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Report of the Commissioner of the General Land Office, 1879

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REPORT

OF THE

COMMISSIONER OF THE GENERAL LAND OFFICE.

LETTER OF THE COMMISSIONER OF THE GENERAL LAND OFFICE TRANSMITTING HIS ANNUAL REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 1879.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
October 30, 1879.

SIR: The annual report of this office for the fiscal year ending June 30, 1879, which I have the honor to transmit herewith, shows that during that period the surveys of public lands have been prosecuted to the extent of surveying 8,445,781.64 acres, to which is to be added an area of private land claims surveyed of 1,039,214.26 acres, making the total of surveys during the year, including public lands and private claims, 9,484,995.90 acres. This shows an increase over the previous fiscal year, as regards public land surveys, of 414,769 acres. The total area surveyed from the beginning of operations to June 30, 1879, is put down as 734,591,236 acres, leaving yet to be surveyed 1,080,197,686 acres of the total area of the public land containing States and Territories, viz, 1,814,788,922 acres. There is given a comparative statement indicating by fiscal years the number of acres surveyed and cost of surveying the same during a period of five years, extending from June 30, 1874, to June 30, 1879, showing also the number of acres disposed of in each fiscal year of the same period.

With regard to the operations during the fiscal year under the various laws for the disposal of the public lands, they are shown by the report to have resulted in the disposal of 9,333,383.29 acres, being more by 647,204.41 acres than the number disposed of in the previous fiscal year.

The general aggregate thus shown is made up of particulars as follows, viz:

	Acres.
Cash entries.....	622,573.96
Being a decrease of 254,981.18 acres as compared with the previous fiscal year. In the above total of 622,573.96 acres is included the amount, 165,996.53 acres, entered under the desert land act of March 3, 1877.	
Homestead entries.....	5,260 111.29
Being an increase of 841,766.37 acres over the previous fiscal year.	
Timber culture entries.....	2,766,573.93
Being an increase of 896,139.75 acres over the previous fiscal year.	
Agricultural college scrip locations.....	960.00
Being an increase of 320 acres over the previous fiscal year.	
Locations with military bounty land warrants under acts of 1847, 1850, 1852, and 1855.....	50 820.00
Being a decrease of 33,900 acres, as compared with the previous fiscal year.	

State selections approved:

	Acres.	Acres.
For school indemnity.....	85,474.65	
For internal improvements.....	81,400.46	
For agricultural colleges.....	680.00	
For salt springs.....	18,836.62	
		186,391.73

Being a decrease of 28,600.80 acres as compared with the previous fiscal year.

Scrip locations:

	Acres.	
With Sioux half breed scrip.....	1,879.05	
With Chippewa half breed scrip.....	640.00	
With Valentine scrip.....	1,417.70	
With Porterfield scrip.....	240.00	
With Cole scrip.....	480.00	
		4,656.75

8,892,087.66

Locations of scrip issued under the acts of June 2, 1858, and June 22, 1860, in lien of lands embraced in private claims, but not taken in place.....

87,573.44

Being an increase of 4,429.84 acres over the previous fiscal year.

8,979,661.10

Lands patented to States as swamp, under act of September 28, 1850...

75,388.08

Being a decrease, as compared with amount patented and certified during the previous fiscal year, of 127,537.77 acres.

9,055,049.18

Lands certified for railroad purposes.....

278,334.11

Being a decrease of 328,006.54 acres, as compared with the previous fiscal year.

Total number of acres disposed of during the fiscal year, being an increase of 647,204.41 acres, over the previous fiscal year.... 9,333,383.29

While the report shows a falling off of 773,026.29 acres in cash sales, military bounty land warrant and scrip locations, State selections, and land transferred on account of railroad and swamp grants, the increase in the area taken up by settlers as homesteads and for the purpose of timber culture has been sufficient not only to counterbalance this falling off, but to make the aggregate disposals for the year greater by 647,204.41 acres than the disposals for the previous fiscal year.

The policy of disposing of the public lands under existing laws for homesteads and timber culture necessarily leads to small receipts of money, and accordingly it is shown that during the last fiscal year, with a larger disposal of land, there were received from all sources \$1,883,113.56, less by \$139,418.60 than the amount received during the fiscal year ending June 30, 1878.

In exhibiting the surveying operations of the fiscal year, the report gives statements showing the amount of appropriations by Congress for the survey of public lands and of private land claims, the apportionment thereof by the Secretary of the Interior to the sixteen surveying districts, the instructions to the surveyors general for applying the amounts assigned to their respective districts according to law, the operations of those officers pursuant thereto, and affording information touching special examinations instituted for testing the work of deputy surveyors on charges or complaints made against them; articles relating to the survey of the Cherokee Indian lands in North Carolina, the resurvey of the Cattaraugus Indian Reservation in New York, the survey of the old Cherokee Reservation in Arkansas, the Red Cloud and Spotted Tail Reservation in Dakota Territory, the boundary line between Colorado and Utah, and of Lake Calumet in Illinois, with copy of a circular issued,

and abstracts of decisions rendered, during the fiscal year, relating to surveys.

A general exhibit is presented in the report of the business transacted in connection with the disposal of public lands through ninety-three district land offices during the fiscal year. This includes pre-emption claims adjusted, entries allowed for cash, and locations with warrants and scrip, at ordinary private entry, or under the provisions of the homestead, timber culture, desert land, and mineral laws; disposals of Indian and military reservations under special acts of Congress providing therefor; transfers of land under the swamp, railroad, internal improvement, school indemnity, and other grants; the examining and adjusting accounts, and reporting them to the Treasury for payment, and the issuing of patents to parties entitled. Copies are given of circulars issued during the fiscal year, giving instructions to the district officers and for the information of the public regarding the provisions of the laws treated of, and copies or abstracts are given of decisions rendered in a great variety of cases which have arisen and been adjudicated during the same period.

In addition to the foregoing, the report presents a statement of what has been done by this office pursuant to the instructions of the Secretary for protecting from depredation the timber on the public lands, for carrying into effect the laws for ascertaining private land claims and transferring the land to the claimants, of the work which has been performed in opening to private entry the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, pursuant to the act of Congress of June 22, 1876, and includes a statement of military reservations on the public lands declared or enlarged during the fiscal year.

Referring to the large accumulation of undelivered patents remaining on file in this office, the Commissioner again urges the necessity of an appropriation sufficient to pay for completing lists of the patents for lands in the respective counties in the older States, in order that they may be furnished to the proper county officers, with a view by this means of bringing to the knowledge of parties in interest the fact that such patents remain in this office, and how they can be obtained by them.

Attention is again called to the large demand upon this office by interested parties for certified copies from its files and records, diverting clerical labor from the performance of general business. It is recommended that such legislation be requested of Congress as would admit of using the fees paid for such copies to employ clerks to make the copies, instead of depositing the fees in the United States Treasury as now by law required.

In regard to the Absentee Shawnee lands, the New York Indian lands, and the Miami lands, in Kansas, reference is made to statements in previous annual reports regarding the same, with a recommendation of legislation to provide for disposing of such portions thereof as remain vacant, for the reason that parties occupying the lands frequently apply to this office for permission to enter the tracts occupied by them, which in the absence of the proper legislation cannot be given.

In the case of the abandoned military reservations of Fort Sabine, La., Camp McGarry, Nev., and part of the Fort Bridger Reservation in Wyoming Territory, the disposal of which was provided for in the act of Congress of February 24, 1871, by appraisalment and public offering thereof, and subsequent sale by private entry, at the appraised value, of any tracts not sold at the offering, it is recommended that Congress provide for the disposal thereof according to the general laws for the disposal

of the public lands, the reason being that they are found to have no special value, and that loss, not gain, would result to the Treasury from pursuing the method of disposal provided for in said act of 1871. The same recommendation is made with regard to Fort Thorn, N. Mex., and Camp Floyd, Utah, for the disposal of which there is no legal provision.

The continuance of the public offerings of the lots embraced in the Detroit Arsenal grounds, in Michigan, with the improvements thereon, under the act of Congress of March 3, 1875, is attended with considerable expense, and but little result in the way of sales. In consideration thereof, and it being the general opinion that the property is held at prices too high, under the appraisement made pursuant to that act, it is recommended that Congress provide for a reappraisement of the lots and improvements remaining unsold, and that after the same shall have been offered at public sale at the prices thus established, any lots not then disposed of shall be subject to ordinary private sale, with the improvements thereon, at not less than their appraised value.

In view of the acts of Congress of March 3, 1879, and July 1, 1879, allowing parties who by previously existing laws were restricted in making homestead entries to eighty acres of land within the limits of Congressional land grants for railroads or military roads, to enter an additional eighty acre tract of contiguous vacant land, if any there be, or to surrender the existing entry and make another elsewhere for the full maximum of one hundred and sixty acres, the provisions of which acts do not, however, extend so as to embrace cases of the kind occurring in the States of Alabama and Mississippi, and of the similar restriction formerly imposed upon settlers on lands both within and without the limits of such grants, in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, under the act of July 21, 1866, the Commissioner recommends the enactment of a law to apply the principles of the acts of March 3, 1879, and July 1, 1879, to all cases in which parties were restricted by law to eighty acres of land in making homestead entries.

As in the last annual report, the Commissioner renews in this the recommendation of legislative action on the subject of lapsed railroad grants looking either to the enforcement of the forfeiture of the grants or extending the time for the completion of the roads, and expresses the earnest hope that such action will be taken at an early day. The reason therefor is to remedy an evil thus stated in the annual report for 1877, viz:

Great bodies of land which have not been earned, and which of course cannot be patented to the States or corporations under the grants, are withheld from sale or entry, and there is no manner now by which settlers can acquire title to them. The companies cannot sell, and this office has no authority to recognize appropriations made under the various laws.

The subject of the consolidation of the homestead and pre-emption laws in one statute, which has been recommended in previous annual reports, is again adverted to, the relations of the two systems of laws pointed out, and the opinion expressed that the subject should receive the careful consideration of Congress.

In connection with the pre-emption, homestead, and timber culture laws, the recent decisions of the Supreme Court of the United States the cases of *Atherton vs. Fowler* and *Hosmer vs. Wallace* are commented on, and in view of the fact that the principle therein announced admits of the occupancy of unoffered public lands without restriction by parties who do not seek to acquire title in the methods prescribed by existing laws, as against other parties who do, it is recommended that the matter be brought to the attention of Congress, with a view to having it regulated by legislation.

The report states the present condition of the law for the refunding of money paid for land erroneously sold, or in excess of what was required by law, and recommends legislation to provide for cases of the kind in which the parties are justly entitled to relief that cannot be extended under the law as it now stands, referring to cases in which the title was perfect in the United States when the sale was made, but in which, from circumstances subsequently occurring, it is not in the power of the government to convey the legal title, and to other cases in which erroneous and illegal exactions were made by the district officers over and above what the law required to be paid.

Examination made by a competent geologist, deputed for the purpose, shows the existence of large deposits of both coal and iron in the public lands in Alabama. Most of the coal fields are far removed from means of transportation, the expense necessarily attending their proper development is large, and the available capital in that region is limited. It is very probable that to withhold the lands indicated as mineral in Alabama from disposal, except as such, would postpone their disposition for a long period. It is, therefore, recommended that the advisability of disposing thereof on the same terms as agricultural lands, following the course adopted with regard to mineral lands in Missouri and Kansas in the act of May 5, 1876, be favorably suggested to Congress.

Respectfully submitted.

J. M. ARMSTRONG,
Acting Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

ANNUAL REPORT.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, October 30, 1879.

SIR: I have the honor to report that pursuant to law there were surveyed during the fiscal year ending with the 30th June, 1879, 8,445,781.64 acres of public lands, and 1,039,214.26 acres of private land claims, making the total number of acres surveyed during the year 9,484,995.90. This shows an increase in the surveys of public lands as compared with the previous fiscal year of 414,769 acres. The total area surveyed from the beginning of operations to the close of the last fiscal year is 734,591,236 acres, leaving 1,080,197,686 acres yet to be surveyed of the total area of the public land containing States and Territories, viz., 1,814,788,922 acres.

The disposals of public lands during the fiscal year ending June 30, 1879, embrace an aggregate of 9,333,383.29 acres, being an increase of 647,204.41 acres, over the previous fiscal year, which aggregate is made up of the following particulars, viz:

Cash entries.....	622, 573. 96
Being a decrease of 254,981.18 acres as compared with the previous fiscal year. In the above total of 622,573.96 acres is included the amount, 165,996.53 acres, entered under the desert land act of March 3, 1877.	
Homestead entries.....	5, 260, 111. 29
Being an increase of 841,766.37 acres over the previous fiscal year.	
Timber culture entries.....	2, 766, 573. 93
Being an increase of 896,139.75 acres over the previous fiscal year.	
Agricultural college scrip locations.....	960. 00
Being an increase of 320 acres over the previous fiscal year.	
Locations with military bounty land warrants under acts of 1847, 1850, 1852 and 1855.....	50, 820. 00
Being a decrease of 33,900 acres as compared with the previous fiscal year.	

State selections approved:

For school indemnity.....	85, 474. 65
For internal improvements.....	81, 400. 46
For agricultural colleges.....	680. 00
For salt springs.....	18, 836. 62
	186, 391. 73
Being a decrease of 28,600.80 acres as compared with the previous fiscal year.	

Scrip locations:

With Sioux half-breed scrip.....	1, 879. 05
With Chippewa half-breed scrip.....	640. 00
With Valentine scrip.....	1, 417. 70
With Porterfield scrip.....	240. 00
With Cole scrip.....	480. 00
	4, 656. 75
	8, 892, 087. 66

Locations of scrip issued under the acts of June 2, 1858, and June 22, 1860, in lieu of lands embraced in private claims, but not taken in place.....	87, 573. 44
Being an increase of 4,429.84 acres over the previous fiscal year.	

Lands patented to States as swamp under act of September 28, 1850.....	8, 979, 661. 10
Being a decrease, as compared with amount patented and certified during the previous fiscal year, of 127,537.77 acres.....	75, 388. 08

Lands certified for railroad purposes.....	9, 055, 049. 18
Being a decrease of 328,006.54 acres, as compared with the previous fiscal year.	278, 334. 11

Total number of acres disposed of during the fiscal year, being an increase of 647,204.41 acres over the previous fiscal year.....	9, 333, 383. 29
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The aggregate of moneys received during fiscal year ending June 30, 1879, is \$1,883,113.56. This amount is less by \$139,418.60 than the amount received during the previous fiscal year, and is made up as follows, viz:

Purchase money of lands sold.....	\$894, 840 93
Homestead fees and commissions.....	578, 705 92
Timber culture fees and commissions.....	250, 529 00
Donation fees.....	1, 587 00
Fees on pre-emption filings.....	75, 381 00
Fees on homestead filings.....	13, 580 00
Fees on mineral applications and protests.....	10, 860 00
Fees on coal declarations.....	93 00
Fees on timber land entries.....	930 00
Fees on military bounty land warrant locations.....	1, 212 72
Fees on agricultural college scrip locations.....	32 00
Fees on Valentine scrip locations.....	36 02
Fees on State school selections.....	4, 938 10
Fees on railroad selections.....	7, 724 56
Fees on wagon road selections.....	4, 458 00
Fees for reducing testimony to writing in district land offices.....	26, 870 83
Fees for transcripts of records in district land offices.....	2, 610 74
Stats.....	7, 957 70
Fees from miscellaneous sources.....	766 06
	1, 883, 113 56

During the fiscal year ending June 30, 1879, there were received in this office 82,575 letters, and there were written, recorded, and sent out, during the same period, 59,613.

SURVEYS.

Under the act of Congress approved June 20, 1878 (20 Stat., p. 229), the sum of \$300,000 was appropriated for survey of the public lands and private land claims for the fiscal year ending June 30, 1879, with a proviso that not more than \$8,100 of this sum be used for clerical force in this office to write tract books for the local land offices, thereby leaving \$291,900 available immediately for the surveys, with an additional appropriation of \$30,000 for the survey of timbered lands exclusively, making an aggregate of \$321,900 for the surveys in the field.

On the 13th day of July, 1878, the said amount was apportioned by the Secretary of the Interior, according to law, to the several surveying districts, as follows:

Apportionment of appropriations.

For surveys in—	Timber lands.	Public lands.	Private claims.
Arizona		\$6, 000	\$2, 000
California	\$10, 000	29, 500	4, 000
Colorado		23, 400	1, 000
Dakota		23, 500	
Florida		6, 000	
Idaho		12, 000	
Louisiana		17, 500	
Minnesota		15, 000	
Montana		15, 500	
Nebraska		22, 500	
Nevada	5, 000	12, 000	
New Mexico		6, 000	8, 000
Oregon	7, 500	18, 000	
Utah		10, 000	
Washington	7, 500	18, 000	
Wyoming		12, 000	
	30, 000	246, 900	15, 000
Amount apportioned for survey of —			
Timber lands exclusively			30, 000
Amount apportioned for public surveys			246, 900
Total amount for surveys			291, 900
For examination of public surveys in the field			30, 000
			321, 900

In pursuance of the provisions of the act of June 20, 1878, as aforesaid, and the apportionment made of the money appropriated, a circular letter embracing instructions pertaining to the duties of the sixteen surveyors general for the fiscal year ending June 30, 1879, was issued on the 15th July, 1878, with certain modifications in their tenor according to the variant nature of the public service devolving on them, of which the following is a copy:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 15, 1878.

United States Surveyor General:

SIR: The following instructions are issued for your guidance in having public surveys made during the present fiscal year:

You will let contracts only to deputies of known ability, who are practical and faithful surveyors, for the survey of such classes of lands as are mentioned in the appropriation act approved June 20, 1878, viz:

First. Those adapted to agriculture without artificial irrigation.

Second. Irrigable lands, or such as can be redeemed, and for which there is sufficient accessible water for the reclamation and cultivation of the same, not otherwise utilized or claimed.

Third. Timber lands bearing timber of commercial value, either foreign or domestic.

Fourth. Coal lands containing coal of commercial value.

Fifth. Exterior boundaries of town sites.

Sixth. Private land claims.

Settlements in valleys remote from the regular progress of public surveys, requiring the extension of the base and other standard lines in order to reach such localities and to have them surveyed, should receive at your hands proper attention, and should written application be made to you by bona fide settlers for the survey of such valleys for agricultural purposes, you will apply a proper share of the amount apportioned to your surveying district out of the \$300,000 appropriated for the survey of public lands and private land claims per act of June 20, 1878.

Such valleys as may be thus reached, and are found either actually settled on or

presenting superior advantages for agricultural purposes to other unsurveyed lands immediately adjacent to the lands already surveyed into townships or sections, should be given preference in the surveys.

In regard to the survey of "timber lands bearing timber of commercial value, either foreign or domestic," as provided under the third class of lands allowed to be surveyed, you will confine your field operations to *non-mineral timber lands*, and those lands where depredations have been practiced or are likely to be carried on by unlawful parties, as under the provision of "An act authorizing the citizens of Colorado, Nevada, and the Territories, to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878, all citizens of the United States and other persons, bona fide residents of the States of Colorado or Nevada or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, are authorized and permitted to fell and remove for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, *said land being mineral*.

You will survey coal lands and extend township lines in mining districts, so that mineral claims may be located with reference to township and range of the public surveys.

You will not contract for the survey of lands which subserve merely pastoral interests, such lands not being of the character authorized by law to be subdivided.

By direction of the department I have to inform you that if you should let contracts for the survey of lands not authorized by the appropriation act, you will be held to strict account for so doing; you will therefore be vigilant in the selection of the lands to be surveyed, taking only those which are known to you to be of the classes specified, either of your own knowledge or from that derived through actual settlers applying to you for the extension of public lines over their settlements.

In letting contracts for the subdivision of the public lands, you are required to stipulate the condition that the survey must include *all the lands in the township contracted for subdivision*, which are by law classed as surveyable, and except in case of triangulation, that the deputy shall start from the proper bases or standard parallels.

If these last shall not have been established, that must first be done, and then, if there are no exterior lines of the township surveyed the deputy must first survey them, and finally subdivide the township into sections, running, measuring, and marking the lines from south to north, in the regular progress, avoiding the practice in some surveying districts of surveying partly from north to south and partly from south to north, leaving the interior of the township partly unsurveyed, and thereby causing difficulty when the effort is made to complete the survey of the township and connect the surveys made from the south with those from the north by due north and south or east and west lines, as the law requires.

Where by reason of impassable objects the south boundary of a township cannot be established, an east and west line should be run through the township, first random, then corrected, from one range line to another, and as far south as possible, and from such line extend the section lines in the usual manner, except over any fraction south of said line, which may be surveyed in the opposite direction from the section corners on the auxiliary base thus established.

When you have townships subdivided, you will furnish your deputies with descriptions of all exterior corners, and instruct them to either describe particularly all the corners on the south township lines from which they start, and the corners on the east, north, and west township lines upon which they close, or, if they find such corners corresponding to the description furnished them, they must state that fact in their field notes, and if a corner on the township line is re-established, the notes should show in what manner.

In addition to the requirements of the Manual of Surveying Instructions and the Supplement of June 1, 1864, you will require your deputies in all cases where stones are used for corners to dig pits in the same manner as for corners marked by posts and mounds.

No mountains, swampy lands, or lands not classed as surveyable by law are to be meandered. All lines approaching such lands must be discontinued at the section or quarter-section corner.

All connection lines must be charged at the minimum rate provided in the appropriation act.

Augmented rates will not be allowed for meander or other lines of survey unless the field notes show that between the corners and at the line the land is mountainous or heavily timbered.

All modifications or changes in contracts after approval by the Commissioner, such as the substitution of an arable township for an inarable one named in contract, must be immediately reported to this office, and a copy of your instructions relating thereto be transmitted to this office and to the First Comptroller of the Treasury.

In regard to deputies commencing work before they are notified of the approval of their contracts, and as to certificate of sufficiency of sureties to their bond, and as to

the proper officer to administer oaths to deputy surveyors, your attention is invited to the new form of contract and bond, copies of which will be sent you for immediate use, in lieu of the old form.

In order to guard against deficiencies arising from an excess of the estimated cost of work under contracts to be made, you should, for the present, leave a margin of the apportionment uncontracted for until you are satisfied from actual returns of all contracts let that no excess of work shall have been incurred requiring the application of said margin in payment thereof.

On pages 18 and 19 of the Manual of Instructions, which is made part of the laws governing the public surveys, the objects, whose description, character, and position should be noted and shown upon the plats, are carefully itemized.

Too little attention is now paid to these very important particulars. You are, therefore, instructed to require more exact compliance with such instructions, both in noting and delineating the objects therein enumerated.

It is also of great importance that the transcripts of field notes, which are expected to endure for ages, should be written in a clear, bold hand, so that every word and figure shall be legible and unmistakable as to its signification.

J. A. WILLIAMSON,
Commissioner.

The surveying operations have been prosecuted during the last fiscal year to the extent of the appropriations made for that purpose, embracing 8,445,781.64 acres of the public land and 1,039,214.26 acres of private land claims, as shown by the following tabular statement:

Areas surveyed in States and Territories, severally considered, both of public lands and private claims, during the fiscal year ending June 30, 1879.

States and Territories.	ACRES.	
	Private claims.	Public lands.
Arizona.....		217, 616. 50
California.....	184, 142. 75	1, 202, 116. 07
Colorado.....	220, 814. 53	1, 009, 758. 82
Dakota.....		1, 167, 092. 26
Minnesota.....		364, 524. 75
Montana.....		518, 724. 11
Nebraska.....		778, 764. 20
Nevada.....		533, 879. 81
New Mexico.....	625, 256. 98	333, 821. 50
Oregon.....		622, 251. 09
Utah.....		188, 276. 79
Washington.....		685, 665. 44
Wyoming.....		679, 946. 93
Arkansas.....		3, 343. 41
Total.....	1, 039, 214. 26	8, 445, 781. 68

For the details of the surveying operations during the fiscal year ending June 30, 1879, reference is made to the accompanying annual reports of the sixteen surveyors general, of which the following synopsis is submitted:

Arizona.—The apportionment to this district for surveys of public lands for the past fiscal year was \$6,000. Under it one contract was let for surveys near the San Francisco Mountains. The cost of the work amounted to \$6,358.39, of which \$6,000 was paid, leaving a deficiency of \$358.39. Special deposits during the year for field work of survey of townships settled upon, \$949.99, which amount was expended.

The apportionment of \$2,000 for the survey of private land claims was not called for by any contracts entered into, and is now unavailable under the law. The amount paid to surveyor general was \$2,750. There were appropriated for clerks, \$3,000, which were expended, except a balance of \$70.36. The appropriation of \$1,500 for contingent expenses was all expended except \$33.10.

The sum of \$1,180 was deposited during the year for office work, which amount added to \$1,401.30 on hand at commencement of the year, made \$2,581.30 available, of which \$1,070 were paid out for office work, \$40 were withdrawn by depositor, leaving \$1,470.94 unexpended.

One hundred and forty-five plats and diagrams of standard, township, and section lines were prepared in the surveyor general's office, one hundred of which were of mill-site and mining claims.

The number of miles surveyed in thirteen townships during the year was 751; area in acres, 217,616.46

The number of mill-sites and mining claims surveyed was 25; area of same, 395.55 acres. Total lands surveyed in Arizona up to the end of the year, 4,707,214 acres.

The estimates for the surveying service for the year ending June 30, 1881, are as follows:

For survey of public lands, \$12,000; survey of private land claims, \$8,000; salaries of surveyor general and clerks, \$8,250; and incidental expenses, \$2,000.

Congress having made appropriation whereby the title to private land claims can be investigated and reported upon, the surveyor general has given public notice that on and after September 1, 1879, such business will be duly attended to.

Attention is again called to the necessity of a survey of the White Mountain or San Carlos Reservation, so that its boundaries may be definitely located and public and private interests subserved. In the absence of such survey, there is great danger of armed conflict between the settlers and Indians.

A change in the laws applying to the survey and sale of pasturage lands is earnestly suggested. Township lines should be extended over all pasturage and mineral lands, the price per acre reduced, and the quantity purchasable from the government largely increased.

2. *California*.—The assignments to this district out of the appropriation for surveys of public lands during the year ending June 30, 1879, were \$29,500 for agricultural lands and \$10,000 for timber lands. Thirty-nine contracts were made under said assignments, and the sum of \$31,111.80 was paid for work returned.

The sum of \$31,979.22 was received as moneys deposited by settlers for surveys of public lands, and by railroad companies on account of surveys, &c. Thirty-five contracts for surveys were made payable from the special deposits, three of which were canceled.

The area of public lands surveyed in the year is 1,910,530.92; number of miles run and marked, 6,808. The sum assigned for survey of private land claims was \$4,000, of which \$3,091.28 were paid out under ten contracts. The area of private land claims surveyed was 178,546 acres.

The amount of special deposits for office work on survey of agricultural lands was \$8,402.86, of which the sum of \$5,394.83 was money paid by railroad companies for office work on lands selected by the companies.

The sum of \$7,959.85 was deposited for office work on survey of mining claims.

One hundred and seventeen mining surveys were made. Salary paid to surveyor general, \$2,750; to clerks in his office from regular appropriation, \$10,998.86; to clerks out of appropriation of \$3,000 for bringing up arrears, \$2,998.99; and to clerks out of special deposits for office work on public lands and mining surveys, \$14,642.09, leaving a balance of \$1,720.62 unexpended of special deposit fund.

The amount paid from the appropriation for incidental expenses was \$2,999.99.

For examinations in the field the sum of \$7,171.03 was paid, it being \$2,992 more than was assigned to that district.

The sum of \$1,974.23 was paid for expenses of suppressing depredations on the public timber.

The number of plats, maps, and diagrams made was 1,545; number of transcripts of field notes prepared, 204.

Sixty-seven descriptive notes of decrees of court in case of private land claims were prepared and transmitted.

The surveyor general recommends that all lands now unsurveyed should be sectionized without restriction as to character, and gives his reasons therefor at considerable length, for which see the report in full.

The completion of standard and meridian lines, as well as the township exteriors, is deemed imperatively necessary to avoid the serious errors resulting from the piece-meal system of projection of those lines now practiced. Subdivision of townships into sections may then be proceeded with as settlements demand and Congress makes appropriations.

Grazing and other lands being so intermingled, it is practically impossible to properly draw the line of demarkation under the present restrictions on classes of lands to be surveyed; consequently small tracts of valuable land must be left, causing surveys to be made in a fragmentary manner. The restrictions have not proved economical to the government, as the resurveys necessitated thereby more than offset the saving.

The provisions of section 2401 of the Revised Statutes, now applicable only to settlers under the pre-emption and homestead laws, should be extended to embrace the desert land act of March 3, 1877, and the act of June 3, 1878, providing for the sale of timber lands.

Very little of the timber land in the State has been surveyed, and as vast quantities of timber is used in the neighboring mines, the lands are consequently spoliated. The necessity of surveying these lands and permitting persons to make entries under the law is obvious.

Public attention is being directed toward the hitherto comparatively neglected belt of lands between the foot-hills and snow-line of the Sierra, where are thousands of acres sufficiently level for farming purposes.

The wine-growing interest of the southern portion of the State gives promise that California will soon rank with the foremost wine-producing countries of the world. From one and a half million vines in 1856, the number has increased to between forty and forty-five million. Exports during 1878 were 2,000,000 gallons, valued at \$1,300,000. During the first six months of the present year the exports reached 1,125,409 gallons of wine and 81,345 gallons of brandy, a gain of 260,000 gallons over the same time in 1878.

The examination of surveys in the field during the past year was very expensive, owing to being extended over work done in previous years as well as during the last fiscal year. Lack of appropriations for examinations of surveys in the field has led to looseness of work, while the moral effect upon deputy surveyors of an appropriation available to send a special agent at any time into the field for an examination of work will be readily perceived.

The surveyor general states that the policy of Congress in making such limited provision for the survey of the public lands in California has operated injuriously to the best interests of the State and small neighborhood communities.

Occupants of unsurveyed lands are unable to obtain title thereto. While the State has passed laws for the protection of these actual set-

tlers until the land may be lawfully acquired, they also protect a single individual speculator, who thereby is able to hold large tracts of thousands of acres of desirable land, without cost or taxation, by simply fencing, using, and occupying them, which it would be impossible for the party in possession to retain under existing laws if the land was surveyed, and which would furnish homes for a large number of families.

In stating the estimate, \$20,000, required for clerks and draughtsmen in his office, the surveyor general gives a detailed statement of his official duties, to which he calls the attention of Congress. His reasons for the estimate of \$20,000 for bringing up the arrears of office work are also stated at length.

The estimate of \$9,000 for the transcribing and reproduction of the Spanish archives is also fully explained.

It is a matter of great difficulty to ascertain who are the present owners of unsettled private land claims. No decrees of confirmation have been filed in eighteen claims which were confirmed by the United States district court and decrees ordered; consequently surveys cannot be proceeded with until decrees are filed: Eighteen private land cases were prepared and transmitted, the expense of thirteen of them being defrayed by interested parties.

The estimate of \$8,000 for the adjustment of deficiencies in the fund of special deposits by individuals is explained, and the cause of those deficiencies given at length in the report.

The survey of mining claims forms an important branch of the work of the office, and the detailed duties connected therewith are set forth in the report. The whole number of mines surveyed to this time is nearly 2,000; number of deputy mineral surveyors on duty, 73.

The rectangular system of surveys, the classification of public lands, and the contract system *versus* salaried deputy surveyors, are respectively commented upon. The surveyor general concludes that the rectangular system is so readily understood by all classes of claimants that it cannot be supplemented by any so-called scientific system; that the classification now made by deputy surveyors is as accurate as can be made at moderate cost, and the matter should remain as under existing laws; and considering the question of contracts and salaried deputies from an economic and practical standpoint, he is of the opinion that the contract system is the better one.

Estimates for the surveying service during the fiscal year ending June 30, 1881, are as follows: Extension of standard and exterior lines, \$60,000; survey of subdivision lines, \$75,000; survey of timber lands, \$50,000; survey of private land claims, including necessary office expenses, \$10,000; examination of surveys in the field and traveling expenses, \$5,000; clerks and draughtsmen, \$20,000; arrears of office work, \$20,000; messenger and incidental expenses, \$6,000; transcribing and reproducing Spanish archives, \$9,000; surveyor general, \$3,000; adjustment of deficiencies in fund of special deposits of individuals, \$8,000; total, \$266,000.

3. *Colorado*.—Under the apportionment of \$23,400, out of the appropriation of \$300,000 for surveying the public lands for the fiscal year ending June 30, 1879, thirteen surveying contracts were entered into, and the surveys returned thereunder amounted in the aggregate to \$23,903.93, being an excess over the appropriation of \$503.93.

Under contract of April, 1879, with Oakes and Kellogg, the Medano Springs and Zapato grant were surveyed at a cost of \$1,344.79.

For surveys made under the acts of Congress of May 30, 1862, and March 3, 1872, there were expended \$4,823.99, leaving a balance, which was repaid to depositors, of \$146.57.

Fifty-three townships were surveyed, embracing an area of 1,078,324.05 acres, at a cost of 2.3 cents per acre.

Two hundred and ninety-six mining claims were surveyed, embracing an area of 2,601 acres, the deposits for office expenses amounting to \$7,328.

The salaries paid the surveyor general and his clerks amounted to \$12,522.17, paid out of the regular appropriation and special deposits, leaving an unexpended balance of \$5,549.07.

The amount expended for rent of office, books, stationery, fuel, and other incidental expenses, was \$2,342.40, paid out of the regular appropriation and special deposit fund.

Individual deposits show an increase of about \$1,400 over the preceding year.

The office is in arrears five years in the preparation of descriptive lists for the local land offices.

The estimates submitted for the fiscal year ending June 30, 1881, are:

1. Salaries of surveyor general, clerks, and draughtsmen, \$10,800; 2. Incidentals, \$3,000; 3. Surveys, \$100,200.

The surveyor general reports that settlements continue in advance of surveys, and estimates the immigration to the State this season at 100,000 people, who have penetrated into every section thereof.

In addition to the carbonates found in the vicinity of Leadville, discoveries of vast bodies of minerals have been made, notably in the Elk Mountains, in Gunnison County, and near the Musquito Pass, in Lake County. Ruby silver has been found in paying quantities within the limits of the Ute Indian reservation.

The destruction of timber has been enormous, partially the result of accident, but often by the criminal carelessness of prospector and campers. All of the timbered lands should be surveyed, as a means of protection both to the government and the settler.

Railways have been extending their lines in every direction. The Denver and South Park Railway has been graded into the Arkansas Valley, and before "snow flies" will be running to Leadville.

4. *Dakota*.—The amount of the appropriation assigned for public surveys in Dakota during the year ending June 30, 1879, was \$30,500. Five contracts were made payable out of the assignment, and the amount of work paid for was \$23,207.43, leaving unexpended \$7,292.57.

The area of land surveyed in 47 townships during the year was 1,042,116 acres, which added to the area previously surveyed makes 19,780,876 acres surveyed in the Territory, exclusive of Indian and military reservations, town sites, and mining claims. The number of miles of base, township, and section lines run and marked in the year was 3,407; forty-six lode claims and nine placer mining claims were surveyed.

The sum of \$1,710 was deposited for office work on survey of mining claims. There was on hand July 1, 1878, an unexpended balance of \$910 from former years, making available the sum of \$2,620. Of this amount \$1,888 were expended, leaving \$732 to the credit of that fund.

For salaries, there was paid to the surveyor general and his clerks, \$6,500; and for incidental expenses, \$1,500; those amounts being appropriated for the objects mentioned.

Immigration has exceeded the largest estimates, and Dakota is believed to lead all other lands States and Territories in the number of acres settled upon during the year.

Unimproved agricultural lands, on the line of the Northern Pacific Railroad, sell as high as \$9 and \$10 per acre.

The wheat crop will average from 10 to 35 bushels per acre, notwith-

standing unfavorable conditions. Other crops are exceptionally good. The mineral and agricultural wealth of the Black Hills is being steadily developed.

The recent executive order restoring to market a large tract of land east of the Missouri River will cause increased immigration to those fertile lands. A wide strip through its entire length, bordering the river, should be immediately surveyed.

The competition of the Northern Pacific, Milwaukee and Saint Paul, Chicago and Northwestern, Southern Minnesota, Dakota Southern, and other railroad lines, which are pressing forward to share in the prosperity and wealth of Dakota, bears testimony to its rapid growth and future prospects.

Public surveys should keep pace with this onward march, and thus subserve the interests of the general government and necessities of the Territory.

The estimates for the year ending June 30, 1881, are as follows: For surveys, \$139,920; for salaries, \$12,000; and for incidental expenses, \$2,700.

5. *Florida*.—Four contracts for surveys were entered into during the year ending June 30, 1879, one being for the continuation of survey of lots along the Georgia-Florida boundary line. One contract was canceled by the Commissioner of the General Land Office. The assignment for the year was \$6,000. Of the three contracts not closed at date of last annual report, one still remains unfinished, it being for the survey of islands in Denler Lake in township 16 south, range 29 east, which on account of high water remain yet unsurveyed. Nineteen township plats were prepared and forwarded to the local office, all but one being of surveys of lots along the State boundary.

The surveyor general estimates as follows, for year ending June 30, 1881: For surveys, \$5,000; for salaries, \$6,200; incidentals, \$1,000; total for surveying service, \$12 200.

6. *Idaho*.—The surveyor general reports that the surveys in his district for the past fiscal year were greatly impeded, and finally stopped, by the late Indian war. Owing to this cause he was compelled to extend the time of contracts. Although three contracts have been let, to the full amount of assignment of \$12,000 of appropriation, no work has been returned by reason of high waters and the many disadvantages. He has made a personal inspection of surveys in the field, of which a report was transmitted to the General Land Office July 12, 1879.

A decided interest in agricultural interests is reported, particularly in the eastern part of the Territory, on the line of the Utah Northern Railroad. In the districts of Yankee Fork, Atlanta Banner, and Silver City, rich mines of gold and silver are worked to advantage, and good roads and cheaper transportation are only needed to largely increase mining interests. Placer mines along Snake River are being worked by a new process for saving fine gold, with promising success.

The appropriation for the salaries of the surveyor general and his clerks is deemed insufficient, and the exigency of the office demands the estimated appropriation for clerk hire so that a chief clerk and a draughtsman may be retained permanently.

The estimates for the survey of public lands are what the surveyor general considers actually necessary, and aggregate \$18,240. They embrace 180 miles of the third standard parallel north and 2,040 miles of exterior and subdivision lines. For salaries, \$7,000; incidentals, \$2,000.

Thirty-six original maps and copies were transmitted to the General Land Office, and 10 descriptive lists to local land offices. Total area of

10 townships surveyed since last report, 172,687.91 acres; adding 376 townships, 6,231,722.25 acres of public lands, and 37 townships of Indian reservations, 464,907.28 acres, previously reported, make the total area surveyed to date of present report, 6,869,317.44 acres. Two sulphur mining claims in Oneida County were surveyed during the past fiscal year.

The amount paid for surveys under contracts made in the year ending June 30, 1878, and not hitherto reported, is \$5,660.61, leaving a balance of \$779.81 to revert to the Treasury.

The appropriation of \$5,000 for salaries of surveyor general and clerks during the past fiscal year was all expended except \$2.28.

The \$1,500 appropriated for incidental expenses were expended except forty-nine cents.

7. *Louisiana*.—Two contracts for surveys were made under the assignment of \$17,500 of appropriation for fiscal year ending June 30, 1879. Estimated liability, \$16,000; amount paid, \$15,628.22; not reported for payment, \$1,871.78; retained to meet excess of contracts, \$1,500; excess on contracts, \$5,861.66.

Work was confined to the pine timber region in the southwestern portion of the State, where 27 townships have been resurveyed. Large entries of timber lands are reported, that of one person exceeding 5,000 acres. The reports of deputy surveyors show a larger percentage of *bona fide* homestead entries than was anticipated.

Under the assignment of \$14,000 for the current fiscal year five contracts have been let for the continuation of resurveys in the southwestern district. Contracts are contemplated for the survey of two townships in the William Conway portion of the Houmas grant under the order of the Secretary of the Interior, dated June 21, 1879. The surveyor-general regrets that the whole of each subdivision of said grant cannot, under the present allotment, be surveyed, as hundreds of new settlers are desirous of locating upon these lands under the homestead and other laws. A large number of original settlers and their descendants, who now occupy lands and who have made extensive improvements thereon, should be protected, as these lands were originally entered under the pre-emption acts of 1830 and amendments. But little work has been done in issuing certificates of location under the act of June 2, 1858, and only 11 claims acted upon and certificates issued during the fiscal year. Total number issued to close of fiscal year, 432 out of 1,524 unsatisfied claims, leaving 1,092 to be adjusted.

Some progress has been made in bringing up the arrears of office work. Transcripts of fieldnotes for 24 townships have been made, leaving 760 townships yet to be transcribed. Thirty-two patent plats of 16 claims have been made. There are about 6,000 claims which cannot be patented until the plats are prepared and forwarded.

The surveyor general's estimates for surveys during the fiscal year ending June 30, 1881, aggregate \$62,050, subdivided as follows: For completing the resurveys in the southwestern district, 22 townships, embracing the timber lands now being despoiled, \$17,400; for the resurvey of townships in the southeastern district on the Mississippi River, above New Orleans, as far as Donaldsonville, and for private land claims, \$7,850; for original surveys in the southwestern district on the Gulf coast, south of old surveys of 1807 and 1830, \$14,000; for original surveys on the southeast pass of the Mississippi River and Bayou Balize, contracted for in 1875 but not executed for lack of funds, \$1,800; to traverse part of Sabine River, connect township and section lines, locate private land claims, and complete survey of townships 4 south,

ranges 1 and 2 east, S. W. D., contracted for in 1875 but unfinished by reason of deficient appropriations, \$6,000; for the survey of the Houmas grants, embracing about 200,000 acres of sugar and rice lands, and ordered surveyed by the Secretary of the Interior under his decision of May 4, 1878, \$15,000.

Estimates for salary of surveyor general and clerks, \$6,800; 14 clerks for arrears of office work, plats, and field notes, \$14,000; contingent expenses, \$2,000.

8. *Minnesota*.—All the contracts for surveys not closed at date of last annual report have been completed.

For the fiscal year ending June 30, 1879, four contracts for surveys were made out of the assignment of \$15,000. The work under three contracts has been returned, examined, and approved, and the sum of \$11,439.31 paid, leaving the sum of \$3,560.69 to be applied to the payment of work to be returned by Deputy Hamilton, consisting of surveys adjacent to the Red Lake Indian reservation, the estimated cost of which will cover the balance of the assignment.

Number of acres surveyed since last report, 364,516.75, which, added to 39,689,123.08 acres previously surveyed, makes a total of 40,053,639.83 acres surveyed to date. Fifty-seven plats were made of 19 townships surveyed. Descriptive lists of all surveys were furnished to the local office, and transcripts of field notes to the General Land Office.

Owing to the small appropriation for clerk hire, but little was done on the arrears of office work. Record transcripts of 41 townships have been prepared and bound. A large amount of miscellaneous office work has been performed.

One contract was entered into in May, 1879, payable out of the appropriation for the year ending June 30, 1880, for the survey of lands adjacent to Pigeon River Indian Reservation. The appropriation of \$7,000 for salaries of surveyor general and clerks was all expended except 49 cents. Of the appropriation of \$1,500 for incidental expenses there was expended \$1,160.58; balance remaining, \$339.42.

The sums estimated for the surveying service for the year ending June 30, 1881, are as follows: For surveys, \$49,900; for salaries, \$10,500; for incidentals, \$1,500.

The estimates for surveys for said year contemplate the extension of the meridian and correction lines north of the present surveyed portion of the State, west to the 3d guide meridian, and the townships contiguous to Rainy Lake and Rainy Lake River; also pine lands on streams flowing north into said lake and river. This region, heretofore inaccessible for want of communication, is now being opened up through the Canadian Pacific Railroad, which, together with steamboat navigation from Rat Portage to Fort Saint Francis, near Rainy Lake, forms a route giving ready access to markets, and has greatly enhanced the demand for lands on the Canadian side, and the lands on this side being more desirable would soon be settled if they were surveyed. Frequent inquiries are now made concerning these lands. Large tracts of pine and hardwood timber lands are in that vicinity, upon which depredations are constantly being made by border settlers on either side of the line, and still greater waste is caused by fires.

A modification of the law for the disposal of timber lands is recommended, so that the lands should be appraised immediately after survey, and then sold for cash at valuation, which would prove valuable to the government, and save great expense in the detection and prosecution of trespassers.

9. *Montana*.—Under the apportionment of \$15,500 for surveys in this

Territory during the year ending June 30, 1879, five contracts were let, and the work has been done and accounts have been rendered to the amount of \$15,662.80, being an excess of \$162.80 over the apportionment. Surveys were made in 33 townships of 524,312 acres of agricultural, coal, and timber lands; also of 70 lode and placer claims with an area of 1,668 acres. Of the appropriation of \$5,750 for salary of surveyor general and clerks, only 83 cents remain unexpended. One thousand five hundred dollars were paid for contingent expenses. Total cost of surveys, \$15,662.80; for inspection of same, \$941.93; office expenses, including salaries, \$7,249.13; cost of field work per acre, three cents; cost of inspection, two mills per acre; cost of office work per acre, one cent and four mills; total cost per acre to government, four cents and six mills. Much of the land surveyed was along the Yellowstone River. The exterior boundaries of 15 townships containing coal lands and other minerals were surveyed. The number of miles run was 4,194. The total expense of the surveying service was \$23,358.86. Net cash receipts for entry and sale of lands in Montana, \$22,491.18, during the year.

The sum of \$2,000 was deposited during the year for office work on surveys of mines. Of this amount, \$1,690.49 were paid out, leaving a balance of \$309.51, which, applied to the deficiency of \$853.93 existing from former years, reduced the deficiency to \$544.42, it being overdrawn on special-deposit account. There were deposited for survey of a town site, \$125; for office work, \$25. Four hundred and sixty-one plats and diagrams were prepared. Of these, 288 were of mineral claims. Five hundred and eighty-nine letters were written. Surveys of 33 townships were platted, and transcripts of the field notes were prepared, also descriptive lists for the local offices.

The surveyor general's estimates for the surveying service for 1881 are as follows: For surveys, \$45,800; for preliminary examination of the country, \$3,000; salaries, \$9,300; contingent expenses, \$2,500. He states emphatically that his estimates only cover the actually necessary expenses. A higher rate per mile for surveys is urged. If the surveyor met with no losses and delays, principally by the Indians, he could survey at the present rates allowed; but in view of the risks, losses, and delays, he should have \$12 for standard, \$10 for township, and \$8 for section lines. Meander lines should be paid for the same as standard, in timbered lands. Base lines should be run through Indian reservations for the sake of uniformity in surveys. Exterior township lines should be run over the whole country, and topographical and other information be obtained in running the same. Mineral lands should be subdivided. Pastoral lands should also be surveyed and sold at reduced rates, in large bodies, to stock raisers already on them. Deputy surveyors should make four classes of lands: first rate, rich, agricultural lands, needing no irrigation; second rate, agricultural lands, needing irrigation; third, pastoral lands; fourth, worthless lands. Personal inspection of surveys in the field has proved quite beneficial. Estimated export of gold and silver, including bullion and ore, \$5,000,000 during the year.

10. *Nebraska*.—The original assignment for surveys in this district for the year ending June 30, 1879, was \$22,500, out of which two contracts were made, and the work has been completed and returned at a cost of \$21,517.97, leaving a balance of \$982.03, which, with \$2,500, an additional assignment, is applicable to pay for work under a third contract, the work of which is not returned. Number of miles run in work returned, 3,256. Thirty-four townships subdivided, having an area of 777,764.13

acres. Field notes of these surveys have been examined, approved, and transcripts furnished to the General Land Office; also descriptive lists and plats to the local land offices, and plats to the General Land Office.

The appropriation for salaries of surveyor general and clerks for the year ending June 30, 1879, was \$5,000, and was all expended, except 38 cents. The balance of special deposit for office work by Union Pacific Railroad Company and Burlington and Missouri River Railroad Company on hand June 30, 1878, amounting to \$9,799.35, still remains unexpended.

The appropriation of \$1,500 for incidentals was all paid out. There remains unexpended a balance of \$282.98 of deposits for field work by railroad companies left from former years.

Immigration has been very large during the year, and of an excellent class. Abundant crops have been yielded, and the extension of railroads has increased the means of transportation. The railroad companies offer great inducements to settlers to take their lands.

The surveyor general recommends, as an economical measure, an appropriation for the fiscal year ending June 30, 1881, sufficient to complete the public surveys in Nebraska. He estimates \$115,000 as a maximum amount. Estimates for the surveying service for the fiscal year ending June 30, 1881, aggregate \$48,594, and are for surveys in the extreme northern and western portions of the State, embracing agricultural and grazing lands which are well watered and of superior quality to much under cultivation in the southern and eastern sections.

There is a large and increasing demand for lands in the northwestern portion of the State, which will be increased by the early construction of a railroad through that section to the Black Hills.

Estimates for salaries and office expenses are as follows: For surveyor general, \$2,000; clerical force, \$6,300; rent, messenger, and incidentals, \$3,000; total, \$11,300.

Under the apportionments of appropriation for the year ending June 30, 1880, \$17,500, contracts for surveys amounting to \$15,500 have been made, leaving a balance uncontracted for of \$2,000.

11. *Nevada*.—For the year ending June 30, 1879, the sum of \$2,500 was paid for salary of surveyor general and \$2,998.62 for clerk hire out of the regular appropriation. The sum of \$1,558.34 was paid out of special deposits by the Central Pacific Railroad Company for surveys, and \$135.64 were paid out of the deposits by same company for office work.

Out of the appropriation for public surveys for the year ending June 30, 1879, the sum of \$10,352.93 was paid for work performed under six contracts. Out of the appropriation for the year ending June 30, 1878, there were paid \$9,856.46. The number of acres surveyed during the year was 923,334.90, of which 28,719.87 acres were mineral lands, and the balance were agricultural and grazing lands. The number of miles surveyed was nineteen hundred. There were also surveyed ninety-nine mineral claims, with an area of 1,091.85 acres, and one town site, Eureka, containing 227 acres.

The sum of \$2,955 was deposited for office work on mineral claims. Six hundred and ninety plats were made, of which four hundred and three were of mineral claims. The mineral productions for the past fiscal year have materially decreased, especially in and around the Comstock, owing to the "Bonanzas" and other mines awaiting the completion of the Sutro tunnel. The mining districts of Bodie and Lake, in California, near the State line, have not only attracted many miners, but millions of capital. The Sutro tunnel drain having been completed, the various mines have recommenced operations. The agricultural outlook

is cheerful, and the crops an average, notwithstanding the drought, &c. of the past two seasons.

The surveyor general desires an increase in the appropriation for contingent expenses from \$1,500 to \$2,500, so as to supply the office with needed stationery, books, &c., and he also asks an appropriation to liquidate deficiencies for office expenses now outstanding. The estimates for the surveying service in Nevada for the year ending June 30, 1881, are as follows: For surveys, \$23,500; for salaries, \$8,000; for incidentals, \$2,700.

12. *New Mexico.*—The surveyor general, under date of August 27, 1879, states that the public surveys made under the appropriation for the year ending June 30, 1878, not hitherto reported, amount to 220 miles run and marked at a cost of \$2,298.91; also twenty-seven private land claims surveyed out of the apportionment for year ending June 30, 1878, being incomplete at date of last annual report. The area of these claims is 4,536,750.05 acres; the number of miles run in surveying them was 1,400, at a cost of \$23,571.82.

Of the assignment of \$15,600 for survey of public lands during the year ending June 30, 1878, the sum of \$15,026.47 was expended; balance reverting, \$573.53. Amount of individual deposits, \$3,150; expended, \$2,946.24; refunded to depositors, \$203.76. Of the assignment of \$33,500 for the survey of private land claims, \$32,880.36 were expended; balance reverting, \$619.64. There were deposited for office work on public surveys for that year \$415, of which \$327.49 were paid out, and the remainder was refunded to the depositors.

For the year ending June 30, 1879, the amount apportioned for surveys of public lands was \$6,000, and for survey of private land claims \$8,000. The public surveys under the apportionment show 1,775 miles run and marked, the cost of which was not ascertained at the close of the fiscal year, owing to the late return of the work. Surveys were made in 28 townships, payable out of special deposits by settlers to the amount of \$6,155. Of this amount \$5,995.98 were paid out, leaving a balance of \$159.02. The sum of \$620 was deposited for office work, of which \$600.50 were paid out, leaving \$19.50 undrawn. The number of miles surveyed under special deposits was 969. The area of public lands surveyed during the year was 375,519.21, which added to 7,862,276.94, the amount previously surveyed, makes a total of 8,237,796.15 acres surveyed up to June 30, 1879. Three contracts for the survey of private land claims were made. Fifteen claims were surveyed, only part of which have been examined and platted. Nine mineral and mill site claims were surveyed. Deposits for office work were made in five cases only, amounting to \$200. Of this amount \$29.64 are reported as refundable to depositors.

Of the \$8,500 appropriated for salaries of surveyor general and his clerks, all was expended except 27 cents.

The appropriation of \$1,500 for contingent expenses, increased by receipts from subrent of office building to the extent of \$240, was expended, except \$4.20. The current work of the office has been pretty well kept up, but an increase in the clerical force of the office is asked for in order to bring up arrears of office work of several years' standing. Request is made for an appropriation to buy a safe for the deposit of valuable archives; also an appropriation of \$61.97 to pay for services of a messenger from April 28 to June 30, 1878. The reimbursement to deputy surveyors of \$1,500, expended by them in platting and transcribing their work outside the office, is recommended, the government having received the benefit of their work.

The estimates for the surveying service in New Mexico for the year

ending June 30, 1881, are as follows: For surveys of public lands, \$80,000; survey of private land claims, including office expenses, \$6,000; re-establishment of part of east boundary of New Mexico, \$1,725; for salaries, \$14,000; incidental expenses, \$5,500.

The public surveys for the year include the exteriors of a large number of townships, and the extension of the seventh correction line north and the fourth correction line south through several ranges. The speedy survey of lands in the valleys of the San Juan River and tributaries in the northwest, the Dry Cimmaron and other streams in the northeast, the Pecos and tributaries in the southeast, and the lower Rio Grande, Gila, and their tributaries in the southwest sections of the Territory, is demanded by the settlers.

Attention is called to the Atlantic and Pacific Railroad grant, which has lapsed. The lands embraced therein should be restored to market.

Two new private land claims have been filed since last report, the testimony in eight cases completed, in six cases opinions of approval rendered, and two cases rejected. He renews the recommendation of last year that Congress fix a limitation of time for filing and presenting claims, and that the courts be required to investigate and adjudicate the claims; but if the surveyor general is to be required to attend to such investigations he wants an attorney to represent the government. An early segregation of the private land claims from the public lands is necessary so that settlers may know upon what lands to enter.

Considerable progress in extending railroads is reported.

Nine copies of declaratory statements for desert claims on unsurveyed land were filed in the office during the year.

13. *Oregon*.—Under date of August 15, 1879, the surveyor general reports the completion of seven "special deposit" contracts, not closed at date of last annual report; cost of same, \$891.44; area surveyed under these contracts, 22,155.70 acres; distance marked, 97 miles.

For the year ending June 30, 1879, fourteen contracts were let, payable from assignment of \$18,000, for the survey of agricultural lands. Under these contracts (eight of which have been completed) the work returned and paid for amounts to \$6,520.73. The number of miles surveyed in the completed work is 630.

For the survey of timber lands there was apportioned to Oregon \$7,500. Out of this five contracts were made, only two of which had been completed at date of report. Under these two contracts there were run and marked 64 miles, at a cost of \$1,273.41. Twenty contracts were made during the year, payable from special deposits, amounting to \$2,624 for field work. Fifteen of these contracts have been completed at a cost of \$1,922.85. The number of miles run was 195.

Total number of plats made during the year, 270; total number of acres surveyed in the year, 393,196.17; additional area surveyed and not heretofore reported, 243,809.47 acres. One mining claim was surveyed. The amount deposited for office work on surveys of public land and survey of one mineral claim was \$390. The sum of \$396 was paid to clerks on special deposit account.

The \$7,000 appropriated for salaries of surveyor general and clerks was expended except \$4.40. There was paid for incidental expenses the sum of \$1,219.71, leaving a balance of \$280.29 unexpended of the appropriation of \$1,500.

The estimates for the year ending June 30, 1881, are \$38,510 for surveys, \$7,000 for salaries, and \$1,500 for incidental expenses.

The last year is reported to have been unusually unfavorable for field work, owing to dense smokes, fogs, and storms west of the Cascade

Mountains, and Indian hostilities and heavy storms in Eastern Oregon. For these reasons several contracts have been extended in time, and are yet unfinished.

The assignment of \$1,800 for survey of agricultural lands has been mostly used in response to requests of settlers for the survey of lands settled upon and as far as possible, in unsurveyed districts, which has necessitated small contracts.

The assignment of \$7,500 for survey of timber lands has been applied to survey tracts skirting the upper slopes of the Cascade Mountains, and the brakes and spurs of the Blue Mountains, tracts most likely to be depredated upon.

The amended deposit law of March 3, 1879, facilitates surveys needed by settlers. Recommendation is made that the law be further modified so that certificates should be received in payment for any public lands subject to cash entry.

In view of the increase of mining interests a corps of mineral surveyors has been appointed.

The surveyor general recommends that the instructions requiring deputies to come to the office of surveyor general to execute their contracts, and to bring their sureties with them to have the bond approved by him, be modified, so that the contract can be executed before and bond approved by the county officer where the surveyor resides.

14. *Utah*.—The area of public land surveyed during the year ending June 30, 1879, is 416,132.37 acres, of which 71,101.26 acres are returned as mineral and 3,641.32 acres as coal lands. Total area surveyed to June 30, 1879, in Utah, 8,594,952.34 acres. Surveys of agricultural lands during the year under contracts not closed at date of last annual report amounted to 1,186 miles.

The assignment of appropriation for the year was \$10,000, under which two contracts were made, and the work returned under these contracts and under contracts not closed at date of last annual report amounted to \$20,605.76. The number of miles run and marked in making these surveys was 2,044.

The appropriation of \$1,500 for incidental expenses was paid out except a balance of \$126.16 unexpended.

For salaries there were paid to the surveyor general \$2,750, and to the clerks \$2,996.45 out of the appropriation; balance of appropriation unexpended \$3.55.

The surveying contracts under the appropriation were mainly for standard parallels and guide meridians, to explore regions almost unknown, and to allow surveys to be made for increasing settlements. Lands along the fifth standard parallel south, west of Green River, consist to a great extent of coal lands, and being without water or timber are valueless for the present. Lands along the Colorado guide meridian are of an agricultural and grazing character, with extensive timber lands of great value. Contracts have been made for the subdivision of these lands.

The surveys on account of individual deposits consisted principally of a resurvey of the Spanish Fork Indian Reservation, with numerous smaller surveys, amounting to 138 miles, at a cost of \$877.52. There is a balance of \$2,027.02 deposited for surveys of public lands, which is liable to pay for work now under contract.

The mining interest has revived very considerably. In the Uintah and Blue Ledge districts new discoveries have been made, promising to equal the famous "Ontario." In the West Mountain district a "gold

belt" has been discovered, about two miles in width, running east and west. There is great excitement and contest for claims.

The extension south of the Utah Southern Railroad will soon reach the San Francisco mining district, making accessible extensive sulphur beds and iron regions, and bringing nearer to market the silver ores of the Harrisburg mining district.

The increased number of mineral surveys has augmented the difficulties of surveying, owing to conflicting claims and errors of former surveys. One great difficulty is the inaccuracy of the relative location of mineral monuments. An appropriation for the purpose of connecting and establishing mineral monuments heretofore solicited is again urged as an absolute necessity.

There were 35 mining districts at the close of the fiscal year, and the number is constantly increasing.

One hundred and nineteen mineral surveys were made during the year.

The following office work in connection with mining surveys was executed during the year: Maps, 390; connected mineral district maps, 9. Office work under appropriation: Maps of Utah Territory and Salt Lake City; 334 plats; transcripts of field notes, 131; descriptive lists, 106. Work under special deposits: Plats, 27; transcripts of field notes, 12; descriptive lists, 16.

Estimates for the surveying service during the year ending June 30, 1881, are as follows: For surveys, \$15,000; connecting mineral monuments, \$5,000; salaries of surveyor general and clerks, \$8,000; rent, janitor, and incidentals, \$2,500; preparation of maps and field notes of 35 mining districts, showing the relative position of each claim, \$2,000.

The area of public lands disposed of during the fiscal year is as follows: Original and final homestead entries, 84,749 acres; cash, 15,858 acres; timber culture, 2,179 acres; desert land, first and second entries, 13,025 acres; mineral land, 728 acres; Supreme Court scrip, 400 acres.

15. *Washington*.—The surveyor general reports the completion of three contracts for surveys unfinished at date of last annual report. The amount paid for work done on the same was \$4,757.48; miles run and marked, 769; acres surveyed, 229,192.17; plats made, 43. The balance of appropriation for the year ending June 30, 1878, unexpended, \$354.35.

For the year ending June 30, 1879, the apportionment of appropriation for surveys was \$18,000 for agricultural lands and \$7,500 for timber lands exclusively. Twelve contracts were made under these apportionments, four of which have been completed. The amount paid on the work done is \$13,786.34; balance applicable to unfinished contracts, \$11,713.66; number of miles run, 1,988; area surveyed during the year, 894,326.98, including the area of 229,192.17 acres surveyed under former appropriations and that surveyed under special deposits.

The amount of special deposits during the year was \$866 for field work on public surveys and \$125 for office work. Under two contracts payable from special deposits there were paid out \$471.45, leaving an excess of \$394.55 over cost of survey.

The appropriation of \$6,500 for salaries of surveyor general and clerks was all expended. There was on hand at the beginning of the year \$62.88 on account of special deposits for office work, which, with \$125 deposited during the year, made \$187.88 available for payment of clerk hire. Of this sum there was paid but \$75, leaving unexpended \$112.88 of special deposits. The appropriation of \$1,500 for incidental expenses was all expended. The estimates for the surveying service for the year

ending June 30, 1881, are as follows: For surveys, \$92,172; for salaries, \$10,500; for incidentals, \$2,000.

The annual map forwarded shows the progress of surveys and the boundaries of the recent Indian reservation for "Chief Moses" and his people.

The growth and prosperity of the Territory during the past year has fully realized expectations. While the lumber interest has been somewhat depressed, owing to stagnation in California markets, all other industries have been active. Grain growing in Eastern Washington has increased 33 per cent.

The surveyor general reports no desert land in the Territory within the meaning of the desert lands act. The yield of wheat on sage brush lands, without irrigation, averages from 40 to 60 bushels per acre.

The immediate necessity is shown of defining the eastern and southern boundaries of the Yakama Indian Reservation, as adjoining lands are in demand by white settlers.

16. *Wyoming*.—Three contracts were let from the apportionment of \$12,000 for public surveys during the year ending June 30, 1879. Two of these contracts were completed, and one partly finished, at a cost of \$9,841.06. Two contracts were let from special deposits. The amount paid for work on these contracts was \$1,080.54. Three contracts were let from the apportionment for the year ending June 30, 1880.

The amount paid for public surveys during the year was \$24,909.43, of which the sum of \$14,347.83 was paid out of the appropriation of March 3, 1877.

An unexpended balance of deposit for surveys by the Union Pacific Railroad Company is remaining, of \$290.47.

Forty-one townships were subdivided in the year; area of same, 918,810.90 acres, which added to 7,926,173.37 acres previously surveyed makes a total of 8,844,984.27 acres surveyed in the Territory, in 422 townships.

The surveys for the year amounted to 2,397 miles, and included the south, east and north boundaries of Fort Laramie Reservation, exteriors of 44 townships and subdivisions of 41 townships.

The area of coal lands reported is 4,495 acres; area of auriferous lands, 1,151 acres. Three gold mining claims were surveyed. The improvements on these claims are valued at \$39,500. The survey of another claim is in progress.

The office work in the year consisted of 41 township plats for the General Land Office, and the same number for the local office, also 82 descriptive lists to the latter office, and 9 plats of mineral claims and 3 transcripts of same. The original maps of these surveys were constructed in the surveyor general's office, and transcripts of the field notes were furnished to the General Land Office. Whole number of maps and plats made, 132; descriptive lists, 82; transcripts of notes, 44. Other miscellaneous office work was done, and the clerks worked nearly double time.

There was paid to surveyor general a salary of \$2,750. The appropriation of \$3,500 for salaries of clerks was all expended except 28 cents. There was expended for clerks on account of special deposit fund \$323.08.

The amount deposited to that fund during the year was \$190; amount on hand from former year, \$521.98, thus leaving a balance of \$388.90 unexpended June 30, 1879.

There were appropriated \$1,500 for incidental expenses, of which

\$322.83 remain unexpended and revert to the Treasury. The amount expended was \$1,177.17.

The estimates submitted for the year ending June 30, 1881, are as follows: For surveys, \$46,400; for salaries, \$10,500; for incidentals, \$2,000. The principal and the assistant draughtsman, and one transcribing clerk, have been discontinued on account of a deficiency in the appropriation for salaries.

The estimates for proposed surveys relate to lands in the valley of the North Platte and its confluent, from Fort Laramie to Fort Fetterman; timber and mineral lands in and west of the Medicine Bow Mountains; also additional surveys in Bear River Valley.

Stock raising has become important and lucrative, rendering grass lands more valuable than agricultural, especially in valleys where streams of water afford supplies for irrigation.

Comparative progress of surveys during five years last past.—The following table exhibits the comparative progress of the surveys and disposal of public lands during the period of five years beginning with the 1st day of July, 1874, and ending on the 30th June, 1879. It also shows the cost of the surveys in the field, including compensation to surveyors general, their clerks and draughtsmen, and the incidental expenses of their offices, together with the number of the surveying and land districts.

Progress of surveys and disposal of public lands during period of five years, &c.

Fiscal year ending June 30.	Surveying districts.	Land offices.	Cost of surveys, including salaries and contingent expenses.	Number of acres—	
				Surveyed.	Disposed of.
1875.....	17	97	\$1,030,180 24	26,077,351	7,070,271.29
1876.....	17	97	1,269,321 94	20,271,506	6,524,326.26
1877.....	17	99	550,054 03	10,847,082	4,849,767.70
1878.....	16	98	523,786 76	8,041,012	8,686,173.88
1879.....	16	98	525,707 00	8,455,781	9,333,383.29

Special examinations of surveys.

It is to be supposed that surveyors general, acting in accordance with instructions from this office, exercise due care in the selection of deputies with whom they contract for the execution of surveys. The returns of the surveys are examined by them and forwarded to this office for final examination, approval, or rejection. The deputy surveyors are provided with the general instructions authorized by law, embraced in the volume well known as "The Manual," and special instructions adapted to the locality or peculiar circumstances which may attend the operations they propose to execute. When necessary, special instructions are accompanied by diagrams, illustrating the determinations of principal lines of public surveys with all the accuracy attainable upon the uneven surface of a spheroidal body like the earth, where computations based upon a given elevation above sea level cannot apply with accuracy to all points of an ever changing surface upon the same degree of latitude. In all cases the instructions set forth in detail the manner in which legal corners should be established, marked, and witnessed for subsequent identification.

Notwithstanding these precautions it is often found necessary, in re-

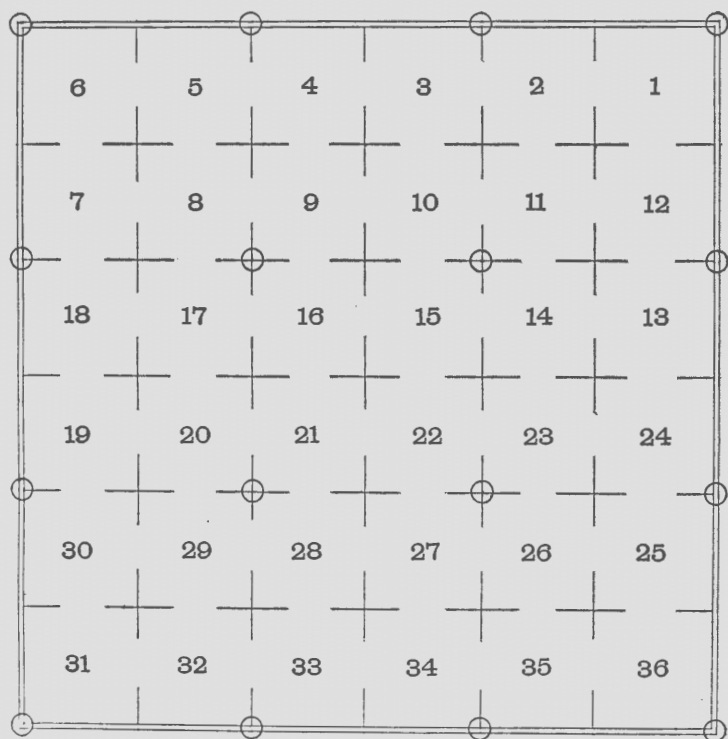
sponse to charges or complaints filed by residents, to institute special examinations, testing the fidelity of adherence by sworn deputies to the letter of their obligations.

By order of the honorable Secretary of the Interior, the sum of \$30,000 was set apart from the appropriation for surveys for the fiscal year ending June 30, 1879, to be applied, if necessary, in defraying expenses of such examinations. The sum actually expended for service of this kind during the year amounted to \$14,367.96, resulting in 36 special examinations in States and Territories, as follows: Alabama (coal lands), 5; California (public lands and private claims), 22; Dakota (agricultural and mineral lands), 2; Illinois and Idaho (public lands), 1 each; Louisiana (private claims), 2; Montana (public lands), 2; Utah (public lands), 1. Of the foregoing, 9 related to surveys of private claims, 21 to agricultural and 6 to mineral lands. As a result of these examinations, four cases now await final action upon the question of approval or rejection. In the remaining cases the surveys have, in accordance with favorable reports of the examiners, met with approval.

Complaints or charges, where the ability or integrity of a deputy is involved, are subject to careful examination before they are accepted as authorizing an examination of his work. When made in malice or at the suggestion of opposing interests, without proper foundation, they cause unnecessary delay in adjustment and payment of accounts, resulting in serious vexation and loss of time and money upon the part of a public servant who may be totally undeserving of such treatment.

The tendency of existing low rates of compensation for surveys, especially those of timbered lands, is to discourage applications for contracts by many reliable and experienced surveyors, and to pave the way for the employment of deputies of less experience and integrity. To this is added the disadvantage that surveyors are usually not allowed to commence work upon their contracts at any date prior to the commencement of the fiscal year credited with the appropriation from which they are paid. This requirement results injuriously, especially in northern latitudes, causing a loss of from one-third to two-fifths of each surveying season, while the cost of equipment for the field is about the same as for a full term. In the face of these facts, surveying contracts are freely taken, and for reasons best known to deputies operating in certain localities, they would in all probability be as freely taken under a still further reduction of rates, while the difficulty in obtaining satisfactory surveys would be correspondingly enhanced.

Whatever views may be entertained on the question of advancing rates of payment for surveys, it appears that special examinations do not afford sufficient safeguard against imperfect and fraudulent surveys, as they give no assurance that the worst cases may not be overlooked. Under existing laws and regulations, the only remedy seems to lie in providing for prompt examination or inspection in the field of every survey of public lands that may be executed hereafter. To be satisfactory, inspections should be made at the time of the completion of the work embraced in any given contract or soon after. In cases where the execution of the contract is completed simultaneously with the close of a surveying season, inspection as now performed would necessarily be postponed until the following year, and payment upon such contracts would be correspondingly delayed. To obviate this difficulty, such methods of perfecting original surveys should be enforced as would confine the work of inspection simply to an examination of the manner in which the marks or monuments of the surveys have been established



Circles indicate proposed locations of iron posts, 16 in all, 9 of which are chargeable to one township of a series of surveys.

or constructed. This accomplished, the cost of inspection may be reduced to a comparatively small sum.

Specifications, intended as supplementary to existing requirements, have been prepared, the enforcement of which it is believed would assure the desired accuracy in the performance of the fieldwork; and also furnish to this office satisfactory evidence of faithful service.

Existing laws require that corners of the public surveys shall be marked by posts or stones, and where possible witnessed by reference to marked trees, rocks, &c. In many localities durable material cannot be procured; there are no trees or rocks; fires destroy the posts, and wind and rain-storms obliterate the mounds and pits. In such cases the money expended in surveys is almost a total loss; residents become urgent in their applications for resurveys, local difficulties arise, and much correspondence relating thereto is rendered necessary.

Iron posts have been suggested as a substitute for the kind of landmarks now in use, but the cost of construction and transportation attending their establishment at all the corners of the public surveys is deemed too great. A post of this kind, however, has been designed by the office, strong and conspicuous, without excessive weight, which may be placed at certain corners on exterior and subdivisinal lines, and furnish permanent means of reference, from which the surveys of a township may be satisfactorily and economically restored by local surveyors in cases where all other landmarks have disappeared. This arrangement would call for the establishment of but nine iron-posts in each township, to be disposed at alternate section corners.

Survey of Calumet Lake.

In February, 1876, applications supported by affidavits were made to the then commissioner of this office for a survey of the bed of Calumet Lake, in township 37 north, range 14 east, near the eastern line of Cook County, Illinois.

The affidavits related to the character of said lake and its bed, embodying the following allegations: that a great portion of the area shown by the public surveys, as a part or parts of the lake, is in a condition suitable for cultivation; that the lake is not navigable, and has no navigable connection between it and other waters navigable or otherwise; that it is not of a fixed character, but is undergoing reduction by drainage and evaporation, and is rapidly filling up with vegetation, and is not fed by springs or other source of perennial supply; that said pond is shallow, and that its whole area can be surveyed and the corners to all the sections and quarter sections fixed and established by any competent skillful surveyor.

Upon the aforesaid showing, a survey was authorized by this office, and it was subsequently executed by Alexander Walcott, esq. The returns of the survey appeared in great measure to confirm the statements embraced in the affidavits which accompanied the applications for the survey, whereupon the latter was approved, and the usual steps were taken by this office for the disposal of the newly surveyed area as a portion of the public lands. These proceedings were opposed by parties owning lands in close proximity to the lake. Among the papers filed by the opponents were a report of a hydrographic reconnaissance of Lake Calumet, made at their instance by Capt. G. J. Lydecker, of United States Engineers, bearing date December 11, 1878, and ten affidavits of citizens dated in January, 1879, furnishing evidence in direct conflict with the statements contained in the papers submitted by the applicants. A motion was

also made by the opponents to vacate the order approving the survey above-mentioned. Upon consideration of this motion, action, relating to disposal of the area in controversy, was stayed. A cross-motion by the applicants for a resurvey was entertained, and a surveyor connected with this office was appointed with instructions—

To proceed and make in the presence of such of the parties as shall elect to attend thereupon, either in person or otherwise, a careful, accurate, and complete survey, report, and plat, showing the facts in relation to the matter in controversy, &c.

Following due notice to the parties in interest, the special examination was commenced May 20, 1879, and concluded in July following. The special examination involved the retracement of two separate public land surveys, made some forty years ago, which closed upon an Indian boundary or treaty line established in 1816, which latter crossed the lake in a diagonal direction. The area of the surface in controversy was found to be 2,680 acres. All lines of these old surveys, necessary to the restoration of the meander posts as originally established, were carefully retraced. Following this, and in obedience to instructions, a careful hydrographic survey of the lake was made, showing the condition of each portion of its surface corresponding to legal subdivisions of forty acres. This survey determined the present and mean depths of water at the corners of each of the aforesaid subdivisions. The work also necessarily embraced a hydrographic reconnaissance relating to the question of navigability of the aforementioned channel connecting the lake with Calumet River, and of the river and of a portion of Lake Michigan, in the immediate vicinity of Calumet harbor.

Upon completion of the field work the special examiner submitted a report, accompanied by map and field notes in detail. These papers are now before the office awaiting a time when the facts therein set forth can be duly considered.

Survey of Cherokee lands in North Carolina.

As will be seen by reference to my annual report for 1877 (p. 70), surveys were commenced in 1875 for the purpose of identifying, marking, and mapping the general boundaries and the numerous subdivisions of lands occupied or claimed by the Eastern Band of Cherokee Indians. This band, numbering about 2,000, of which about 1,500 are "full-blood" Indians, compose a remainder of the Cherokee Nation who chose to remain in North Carolina in preference to removing west of the Mississippi in the year 1838, the date at which the main body, as provided for by treaties of 1828, 1833, and 1835, emigrated to the country near that which is now occupied by them. The Eastern Band have since the date above mentioned remained in the same general locality, and by themselves or through other parties have been dealing in lands by descriptions and title-papers so obscure in their nature as to require tedious labors upon the part of a board of arbitrators to determine many important questions relating to their possessory rights.

Upon the appointment of the board of arbitrators it was agreed that the award made by them should be final and a rule of court, and to have effect from and after its approval by the judge of the United States circuit court, the Secretary of the Interior, the Commissioner of Indian Affairs, and the Department of Justice. The action of the board, bearing date October 23, 1874, having been thus approved, and the execution of certain deeds to the Indians in accordance with the requirements of the award having been accomplished, it became necessary, in order to place the Indians in undisputed possession of the lands therein desig-

nated, to define upon the face of the country and upon official diagrams and records the general boundaries and the subdivision lines of the awarded lands, the value of which has been estimated at some \$200,000.

As stated in the above-mentioned annual report, this work of survey and identification was undertaken by Maj. S. Temple, under his contract of March 30, 1875, and prosecuted until the appropriations therefor became exhausted. The result of his labors were, 1st, the survey of the principal tract belonging to the Indians and known as the Qualla boundary, containing some 73,000 acres, and lying in the northeast part of Jackson and the southeast part of Swain Counties; 2d, the survey of the county line of Jackson and Swain, so far as it related to the Qualla boundary; 3d, the retracement of the five township lines within the Qualla tract or boundary; 4th, the establishment and permanent marking of the lines bounding the small subdivisions of the Qualla tract occupied by individual members of the band, and of such lots as have been set apart for public use. It was also found necessary to retrace the boundary lines of a tract known as the Cathcart survey, which lies within and now forms a part of the Qualla boundary. In addition to the above, the lines of a number of tracts scattered through the counties of Cherokee, Graham, and Macon were run and marked, and to complete this work in such manner that their respective locations could be delineated upon maps and diagrams accompanying the returns, it was necessary to run a base line starting from a known point on the Tennessee River and passing through the country in which the detached lots or tracts were situated, in order that they might be connected therewith. The base line led through a broken and mountainous country, and it was necessarily tortuous in its alignment. The linear extent of the surveys under this contract amounted to 815.07 miles, resulting in the survey and marking of 148 tracts, aggregating 9,934¹/₂ acres, in the Qualla tract and lying within the limits of Swain County, and 332 tracts, amounting to 32,905 acres, in the same general tract, but lying in Jackson County. Elsewhere 52 separate tracts, aggregating 8,318 acres, were surveyed and marked. These were distributed as follows: 20 tracts in Cherokee, 28 in Graham, and 4 in Macon Counties. Voluminous field notes with separate diagrams of each lot in addition to the connected maps, were submitted to this office by the surveyor upon the completion of his unusually difficult and perplexing labors, which, upon critical examination, were approved and became a part of the permanent records of the office.

Congress, by act March 3, 1877, appropriated a further sum of \$1,500 to provide for the completion of the surveys, and, as may be seen by reference to my last annual report, a second contract with this object in view was made in April, 1878, with Mr. Temple. The instructions accompanying this contract appear in the report last referred to (p. 25): The field work under this contract was completed June 27, 1878. The returns embrace field notes and separate diagrams of 65 lots or tracts. Diagrams accompany the same, showing all the lands surveyed in the counties of Graham and Cherokee, the tortuous base line run by the surveyor during this and the previous survey, and the lines connecting the individual lots and groups of lots with the base. Of the 65 lots surveyed under this contract, 33, having an aggregate area of 6,915 acres, lie in the county of Cherokee, and 32, embracing 5,115 acres, are in Graham. A diagram also accompanied the returns showing a survey made by consent of all interested parties, by which the southern portion of the Qualla boundary or tract was enlarged to the extent of 401 acres, independent of some additional land claimed by individual Indians which was included in the said enlargement. The aggregate quantity

of land added to the Indian possessions by the survey of 1878 amounts to 12,658 acres. To accomplish this, it was necessary to run and mark 131.48 miles of tract boundaries, 14.94 miles of base line, 27.73 miles of connecting lines, and 1.6 miles of closing lines in the aforesaid enlargement of the Qualla tract—in all 175.75 miles. Of the surveyed tracts or lots shown in the returns of the surveyor, 28 are regarded as being lots called for or named in the award of the arbitrators; 16 lots so named, to which there seemed to be evidences of Indian title, remain unsurveyed, in consequence of service of notice upon the surveyor by whites owning or in possession of them forbidding survey of the same. Four of the above-named 28 lots are also claimed by whites, but notices forbidding survey were not served in time to prevent it. Owing to an observance of different systems of numbering and designating the tracts by the several parties through whom title has passed since their conveyance by the State of North Carolina, the work of identification of awarded lands has been a labor of exceeding difficulty.

The work accomplished under both of the contracts herein described amounts to 991 miles of surveys, determining and marking the lines of 63,588 acres of tribal and individual Indian lands.

Resurvey of the Cattaraugus Indian Reservation.

The Cattaraugus like the Allegany Indian Reservation is chiefly occupied and controlled by the Seneca Nation of Indians. Lying for the most part in Erie, its southern portion extends into Chautauqua and Cattaraugus Counties, in the State of New York. Its lines, with the exception of the eastern boundary, were surveyed and marked in the year 1798 by Augustus Porter. Many landmarks of the original survey have disappeared, and difficulties growing out of encroachments upon the lands of the Indians made a resurvey of the reservation a necessity. Congress, at the request of the Indians, authorized, by act of May 25, 1878, a resurvey of this tract, requiring—

The exterior boundaries thereof to be marked by stone or iron monuments, the expenses thereof not to exceed the sum of two thousand dollars, and to be paid by the Seneca Nation of Indians, who are authorized to select a surveyor, to be approved by the Secretary of the Interior.

The Seneca Nation having, by resolution of their council, designated Charles E. Fink as a suitable person to prosecute the resurvey, the choice was approved by the honorable Secretary, and a contract to that effect was entered into on July 6, 1878. Special instructions accompanied the contract, requiring and minutely describing various operations tending to the restoration and permanent marking of the lines and corners and faithful delineation of all important topographical features and improvements of the land. In order to facilitate future efforts to restore the boundary lines in case of loss, their precise angles of divergence were required to be taken by means independent of the magnetic meridian. The resurvey was commenced without unnecessary delay, resulting in the completion of the field work on the 26th of September, 1878. By careful observation the magnetic declination at the date and place of the resurvey was found to be $3^{\circ} 20'$ W. Posts in mounds, numbered consecutively from the initial point of the survey and the resurvey, mark each mile of the boundary, and these are witnessed by pits, and wherever practicable by reference trees. The corners of the reservation are marked by hollow, octagonal, cast-iron posts, 4 feet long and of 5 inches diameter, with caps, and base flanges of 6 inches diameter. The posts are set to a depth of $2\frac{1}{2}$ feet below the natural surface of the

ground, and their remaining parts are protected by conical mounds having 5 feet diameter of base. Their positions are further witnessed by pits and trees, as in the case of the mile posts. The sum of all the boundary lines of the reservation is 36 miles 49½ chains, and the included area is 27,097 acres. Cattaraugus Creek, which flows to Lake Erie through the entire length of the reservation, a distance of about 18 miles, has been meandered along both of its banks. In addition to the highways and other public improvements, the location of every dwelling is shown upon the maps returned by the surveyor by name and symbol. Complete returns of the resurvey embracing maps and field notes in triplicate were submitted to this office by the surveyor on November 30, 1878, which, upon examination, were approved, and copies were furnished, as required by law, to the clerk of Erie County and to the Seneca Nation.

The lands of the reservation are represented as being generally of the best quality. The improved portions aggregate about 18,000 acres, the remainder bearing timber of first and second growth. The quantity of waste land is small. The Indians are chiefly engaged in agricultural pursuits, many of them having large and well stocked farms upon which they have erected good and substantial dwellings. Annual fairs are held by the agricultural society of the nation. The inhabitants of Indian descent number as follows: Senecas, 1,435; Cayugas, 145; Onondagas, 40. The reservation is divided into ten school districts, which have been organized and provided for in the usual manner. The Thomas Asylum for orphan and destitute Indian children of the State of New York, erected at a cost of some \$20,000, is located on this reservation, and is in part sustained by contributions of the Indians of the State. Religious societies have been formed, and the Presbyterian, Methodist, and Baptist denominations have edifices in which services are held with regularity. An industrial school has also been established. Questions which grew out of encroachments upon the lands of the Indians appear to have been settled by general acquiescence in the results of the resurvey. A considerable portion of the reservation is occupied by white settlers who claim possession under title from the Ogden Land Company. The areas of the sections in dispute are shown in dotted lines upon the map and referred to in the field notes.

Old Cherokee Indian Reservation.

This tract of land, formerly occupied by the Cherokee Nation, is situated in the central part of the State of Arkansas, and lies on the north side of the Arkansas River, in townships 7 and 8 north, range 21 west. Its boundary lines had been clearly defined while the Indians were in possession, and the lines of the public land surveys were closed thereon. Since the departure of the Cherokees, there have been repeated applications upon the part of settlers, and in their behalf, for subdivisional surveys, in order that the lands might be disposed of, but pending these applications, until the passage of act of Congress of June 20, 1878, there has been no appropriation applicable to the survey of public lands in Arkansas.

This office has long looked upon the area embraced within the reservation as an unincumbered portion of the public domain, but in view of the fact that the treaty by which the lands of the reservation were ceded back to the United States contained certain stipulations, it was thought best to address a letter of inquiry to the Commissioner of Indian Affairs concerning the right of the United States to survey and dispose of the

lands in accordance with existing laws and regulations. This letter, dated June 1, 1877, referred to the treaty of 1828, by which the Cherokees ceded to the United States all the lands to which they are entitled in the State of Arkansas, and to a further provision of that treaty, that the property and improvements connected with the agency should be sold and the proceeds applied to aid in erecting in the country to which the Cherokees were about to remove a saw and grist mill for their use. The letter also called attention to the supplemental treaty of 1833, in which it was stipulated that eight patent railway corn mills were to be erected in lieu of the above mentioned grist and saw mills. Article 18 of the treaty of 1866 was also referred to, in which a provision occurs "that any lands owned by the Cherokees in the State of Arkansas and in States east of the Mississippi may be sold by the Cherokee Nation in such manner as their national council may prescribe," &c.

It appears that under this last-mentioned provision the Indians claim the right to dispose of the lands of the Old Cherokee Reservation. The letter of this office also invited attention to a report on this subject, made in 1866 by the Commissioner of Indian Affairs to the honorable Secretary of the Interior, and to our letters bearing date June 19, 1868, and May 25, 1869.

In response to the above communication, a letter was received from the honorable Secretary of the Interior bearing date June 27, 1878, transmitting a report of the Acting Commissioner of Indian Affairs, bearing date February 18, 1878, from which it is learned that the Indian authorities, in reply to his letter of inquiry addressed to them, concerning the basis of any claim they might have against the United States, asserted that the corn mills provided for in the treaty of 1833 had not been erected, and that consequently the government had failed to fulfill its obligation in that regard, while on the other hand the records of the government show strict compliance with that as well as other stipulations of the treaty. The Commissioner further says:

It seems clearly evident to this office that the Cherokee Indians, in the most plain, comprehensive, and emphatic terms, ceded to the United States all their lands in Arkansas—the intention and fact both concurring—and that the government has fully performed its reciprocal obligations growing out of such cession, and so cleared its title acquired thereby from any possible doubt as to its validity. But even if the government were in default in the full performance of its part of said agreement, such fact would not impair the validity of the cession. It could only, at most, give a claim to money compensation for non-fulfilled treaty obligations.

The Commissioner, referring to the above quoted eighteenth article of the treaty of 1866, shows that the Indians, having previously ceded all their lands in Arkansas, it cannot be made to sustain any claim to the reservation lands in question. This position is strengthened by quoting from article 31 of the same treaty, as follows:

All provisions of treaties heretofore ratified and in force, and not inconsistent with the provisions of this treaty, are hereby reaffirmed and declared to be in full force; and nothing herein shall be construed as an acknowledgment by the United States, or as a relinquishment by the Cherokee Nation, of any claims or demands under the guarantees of former treaties, except as herein expressly provided.

In transmitting the above communication, the letter of the honorable Secretary of the Interior concludes with the following remarks:

It will be seen from the report of the Commissioner of Indian Affairs, a copy of which is herewith inclosed for your information, that all the stipulations made with the Cherokees, upon the performance of which their right to the land in question was extinguished, have been fully complied with on the part of the United States. The history of the case is full and complete, and the treaties and acts of Congress bearing upon the matter at issue are cited in support of the right of the government to dispose

of the lands. I concur in the opinion of the Commissioner of Indian Affairs, and the subject is referred for the action of the General Land Office.

Subsequent to the receipt of the foregoing communications, in accordance with the views therein expressed, and with opinions entertained by this office, the lands have been treated as unincumbered property of the United States. Accordingly a contract was entered into September 14, 1878, payable out of the appropriation of June 20 of the same year, with James Potts, for the subdivision of the tract in question. This work has been completed in accordance with the contract and special instructions. The returns of the surveyor show the area of the reservation to be 3,343.41 acres, upon which there are now some 30 settlements, covering about 600 acres. Some of the lands have been occupied for a period of sixteen years. The settlers desire permission to preempt the lands occupied by them, subject to the ordinary regulations. The surveyor also reports the finding of landmarks of a subdivisional survey of the reservation reported to have been made by authority of the so called "Confederate Government."

Survey and subdivision of Red Cloud and Spotted Tail Reserves in Dakota.

Act of Congress, May 27, 1878, appropriated \$10,000 for the survey of such portions of the Sioux Indian Reservation in Dakota as may be required for agricultural purposes.

Act of June 20, 1878, authorized the honorable Secretary of the Interior to appoint a commission, consisting of three persons, to visit the Red Cloud and Spotted Tail Indians, to confer with them relative to their present location, with a view to their final settlement, where they can earn their support by agriculture and stock raising.

Act of March 3, 1879, appropriated \$10,000 for the survey of lands for allotment to the Red Cloud and Spotted Tail bands of Sioux Indians in Dakota Territory.

Basing action upon the aforementioned authority, a commission appointed by the honorable Secretary visited Dakota, charged with the duties described in the act of June 20, 1878, and made report recommending the survey and subdivision of an area of country, bounded on the north and west by White Earth River, on the south by the south boundary of Dakota, and embracing on the east the South Fork of White Earth River and tributary streams.

Treaty stipulations with the different tribes of Sioux provide for allotment of lands to any individual belonging to said tribes of Indians who may desire to engage in agricultural pursuits, said lands to be located in any country which may be occupied by the said Indians as a home. It has also provided that each head of a family might select not exceeding 320 acres of land, and each person over eighteen years of age, not being the head of a family, not exceeding 80 acres. The number of individuals belonging to the bands of Red Cloud and Spotted Tail has been estimated by the Commissioner of Indian Affairs at 3,000, requiring an area of subdivided lands equal to 24 townships.

In agreement with a suggestion of the Commissioner last named, the honorable Secretary directed that the lands intended for agricultural uses be subdivided into tracts of 40 acres. It was also directed that a contract should be entered into with Daniel G. Major, for the accomplishment of said survey and subdivision. In accordance with the foregoing, a contract was executed and special instructions relating to details of the work were issued under date November 7, 1878. In anticipation of early application for allotments of agricultural lands, the in-

structions were so framed in conformity with the laws governing the survey of the public lands as to allow the largest portion of the limited appropriation then available, to be applied to the prosecution of the subdivisional surveys. The surveyor was required, while extending the guides, meridian, and standards parallel, to determine, by observation, localities best adapted to agricultural operations, and to establish thereon the intermediate corners from which to set off the smaller legal subdivisions.

The initial point of the survey is the intersection of the fourth guide meridian with the south boundary of Dakota, which is the northeast corner of fractional township 35 north, range 33 west, of the public land surveys of Nebraska.

Under the instructions, township lines which would embrace lands unsuitable for subdivision and allotment, in manner aforesaid, were not allowed to be run. It was also required that the usual practice in the disposal of excess or deficiency attending the closings of subdivisional surveys of the public lands should be adhered to, but that in all other cases the corners should be equidistant. The same regulations applied to the marking of corners for sixteenths of sections on the township lines, as have been herein described relative to the superior lines.

In marking corners upon all the lines, stones and pits were to be preferred to stakes or posts, and it was required that all stakes should be charred and surrounded by mounds and other evidences, in manner prescribed in the manual and supplement thereto. The surveyor was supplied with numerous diagrams illustrating the legal methods of projecting the various lines.

The areas of lands embraced within the limits of the two reservations suitable for subdivision and allotment can only be ascertained from the returns of the surveyor. As a consequence, the cost of a complete survey cannot as yet be accurately determined. The present estimates are as follows: 234 miles of standards parallel, at \$10, \$2,340; 106 miles of guides meridian, at \$10, \$1,060; 288 miles of township-lines, at \$7, \$2,016; and 4,320 miles of subdivisional lines, at \$6, \$25,920. Total estimated cost of the survey, \$31,336.

Under the second appropriation of \$10,000 mentioned herein, a subsequent contract bearing date May 13, 1879, was entered into with Mr. Major providing for further prosecution of the work under guidance of instructions previously issued. The surveys under these contracts have been in progress during the whole of the surveying season just closed.

Survey of the Colorado and Utah boundary.

By act of Congress of June 20, 1878, the sum of \$15,000 was appropriated for the survey of, and the establishment of monuments upon, the boundary line between the State of Colorado and the Territory of Utah. This work having been intrusted to Rollin J. Reeves, esq., surveyor and astronomer, a contract was entered into and full instructions relative to details of the work were issued to the surveyor under date July 26, 1878.

The boundary line consists of that portion of the thirty-second degree of longitude included between the thirty-seventh and forty-first parallel north latitude. The initial point of the survey is at the intersection of the aforesaid meridian with the thirty-seventh parallel, a point common also to the boundaries of New Mexico and Arizona. The monument is situated upon a mesa, which rises abruptly from the valley of the Rio San Juan, and it is 81.66 chains south of the south or left bank of that stream. It was established in 1875 by Chandler Robbins, esq., in the

survey of the New Mexico and Arizona boundary. From full descriptions furnished the surveyor, it was subsequently found and identified.

Among the requirements embodied in the instructions are the following:

Exercise of great care in the extension of the meridian and the employment of approved astronomical tests of alignment at the termination of each ten miles of the boundary, due corrections to be made thereat.

The line to be cleared of timber and brush wherever necessary, and the timber at certain specified distances therefrom, to be blazed and marked in a particular manner.

The establishment of mile posts or stones of durable material, marked with consecutive numbers, counting from the initial point, with inscriptions indicating the State or Territory on either side of the line. These points, wherever such is practicable to be witnessed by pits and other evidences required in the manual of instructions for the survey of public lands.

Except over stretches of country found to be totally impassable, all distances on the boundary to be determined by chain measurement.

The establishment of permanent astronomical monuments at each distance of 50 miles from initial point.

The establishment of a permanent monument at the intersection of the line with the fortieth parallel, and one also upon the boundary, 15 miles north of the same, to mark the northwest corner of the Ute Indian Reservation.

The use of new and approved field and astronomical instruments, and the boundary line to be twice chained throughout, by different chainmen.

Angular bearings to be taken to such natural and artificial objects of note as can be seen from the boundary, and principal topographical features along the line to be carefully sketched.

Barometrical observations to be taken at each mile post, and at conspicuous points of elevation or depression on the boundary.

The establishment of a durable and conspicuous monument at the terminal point of the survey.

Full and complete returns embracing field-notes describing the manner of determining the measurements and alignments, and of establishing each monument on the boundary accompanied by map and profile illustrating the topography of the country. The returns to be made in triplicate.

The surveying party took the field as soon as practicable after the execution of the contract, and devoted the remainder of the surveying season of 1878 to the work, reaching a point about two miles beyond the crossing of Grand River, 150 miles from the initial point of the survey. Operations were then necessarily suspended for the winter. Returns of the season's work, as required, have been made to this office, and they have undergone careful scrutiny. The character of the country throughout the distance surveyed is mountainous and rocky, presenting a succession of peaks and ridges and deep cañons with steep slopes and rocky walls. The valleys are narrow, water scarce and difficult of access, and vegetation sparse. Varieties of the pine and cedar timbers in various stages of growth or decay were found upon the greater part of the first 100 miles of the boundary. Upon the last 50 miles scrub oaks and other deciduous trees were noted. The undergrowth consists mainly of juniper and sagebrush, greasewood and cactus. The rocky formations noted are of sand and limestone.

Ruins of habitations long abandoned, of which there is no reliable history, are found upon or near to many parts of the boundary. The most notable of these are to be seen east of and near the 28th mile post, consisting of a castle and tower and neighboring structures of less importance. They are constructed with double walls of limestone and mortar, and located in positions best suited to resist assault. They are usually rectangular in form, but in one case cylindrical.

Situated in Utah, near the 60th mile post, are the somewhat noted Rock Springs, the principal one of which is described as a natural rock tank, 30 by 6 feet, containing a constant supply of spring water 25 feet in depth, which overflows the sides of the basin.

The principal streams crossed were the San Juan, one mile from the initial point, the Dolores, near and north of the 121st mile post, and Grand River, between the 147th and 148th mile posts.

The country approaching the Dolores was extremely broken and mountainous in character, and regarded impassable, except by triangulation, for a distance of about 3 miles. A part of the line crossing the Rio Dolores and the cañons in its vicinity was so broken and precipitous that no suitable base for trigonometrical operations could be obtained, and the distance of nearly 11 miles of the boundary was determined astronomically. The valley of Grand River and its neighboring cañons were crossed by alternate chain measurements and triangulations.

The highest point noted in the record of barometrical observations is at the 103d mile post, where the elevation is shown to be 8,380 feet above sea level.

Work on the boundary was resumed by Mr. Reeves at the commencement of the surveying season just closed. As the surveyor has also the contract for the establishment of the north boundary of Wyoming, and operations thereon were commenced immediately upon the close of the former work, no opportunity has as yet been afforded him of preparing the official papers illustrating the closing portion of the Colorado and Utah boundary survey.

Abstracts of decisions affecting surveys.

Cost of survey of private land claims, by whom paid.—The appropriation act approved March 3, 1875, repealing the third section of the act of May 30, 1862, requiring the claimants of private grants to pay the cost of survey before receiving patents for the same, also repeals section 2400 Revised Statutes of 1874.

Such repeal does not relieve claimants from the obligation to pay for surveys made prior to March 3, 1875, where the patents have not been issued.

The provisions of the appropriation act of July 31, 1876, that patents shall not issue to private claimants until they pay the costs of the survey, should be considered as a general and permanent rule.

The act of July 31, 1876, has a prospective rather than a retroactive effect, and in relation to surveys made between March 3, 1875, and July 31, 1876, where patents have not issued, the claimants cannot be required to make payment for such surveys and platting.—(Secretary Schurz's decision, April 2, 1879.)

Surveys, augmented rates, &c.—Section 2405 Revised Statutes, authorizing the Commissioner to have surveys made of certain lands in California and Oregon at augmented rates, is in force.

No rates of surveys having been fixed in the appropriation act for the next fiscal year, the Commissioner is authorized to establish them.

When surveys in California cannot be made at the rates fixed by the Commissioner, the surveyor general will, before making any contract, report to the Commissioner the character of the lands as ascertained by a thorough examination, the kind and character of difficulties to be overcome, and the reasons why such surveys should be made, for instructions.

No survey should be made except at the minimum rates, unless for the most urgent reasons.—(Secretary Schurz's letter, June 16, 1879.)

Survey of fractional townships 20, 21, 22, 23, 24, 25 north, range 10 west, Mount Diablo meridian, California.—The law fixes the exact location of deficiencies which occur in any township to be on the west and north sides thereof, and when, therefore, in establishing standard lines and township exterior lines, townships are found but five miles in width, the law requires that the lines must be so located and marked that the deficiency will fall on the west part of the township, and sections 6, 7, 18, 19, 30, and 31 will be omitted, instead of the eastern tier of sections 1, 12, 13, 24, 25, and 36.

The law requires that section lines shall be surveyed from south to north and from east to west, and it is a violation thereof to reverse the order of procedure.

A deputy surveyor should not obey the instructions issued by a surveyor general if they are in violation of the law and regulations.—(Secretary Schurz's decision, April 14, 1879.)

Time of filing township plats in district land offices.—The practice of forwarding the triplicate plat to the district land office before the duplicate plat has been received at the General Land Office, and the approval of same communicated to the surveyor general, ordered discontinued, and hereafter the triplicate plat will be forwarded to the local office only after notice to the surveyor general of the approval of the survey. The object of the order is to prevent complications of title, &c., which might arise from entries of lands and subsequent cancellation of survey.—(Order of Commissioner General Land Office, April 17, 1879.)

Advances of funds to surveyors general.—The Secretary of the Interior decided on February 20, 1879, that advances of funds might be made to surveyors general on their requisition to enable them to pay the expenses of their offices monthly, instead of the quarterly payment practiced of late years by report from the General Land Office. Provision was therefore made to carry into effect this practice, which prevailed in former years, but had been discontinued for several years. The change of manner of payment went into effect July 1, 1879.

Circular in relation to assignment of certificates of deposit on account of surveys.

By the act of Congress approved March 3, 1879, section 2403 of the Revised Statutes of the United States was so amended as to allow the assignment of certificates of deposit by indorsement, such certificates to be received in payment for public lands entered under the pre-emption and homestead laws by settlers, and not otherwise.

The following circular instructions to surveyors general and registers and receivers were issued under the law:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 27, 1879.

To Surveyors General, Registers, and Receivers:

GENTLEMEN: The act of Congress approved March 3, 1879, entitled "An act to amend section twenty-four hundred and three of the Revised Statutes of the United States in relation to deposits for surveys," necessitates some modifications in the previous instructions from this office on the subject.

The provisions of law governing such deposits are as follows:

"When the settlers in any township, not mineral, or reserved by government, desire a survey made of the same, under the authority of the surveyor general, and file an application therefor in writing, and deposit in a proper United States depository, to the credit of the United States, a sum sufficient to pay for such survey, together with all expenses incident thereto, without cost or claim for indemnity on the United States, it may be lawful for the surveyor general, under such instructions as may be given him by the Commissioner of the General Land Office, and in accordance with law, to survey such township and make return thereof to the general and proper local land office, provided the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for the township and subdivisinal surveys."—(*Sec. 2401, U. S. Rev. Stats.*)

"The deposit of money in a proper United States depository, under the provisions of the preceding section, shall be deemed an appropriation of the sums so deposited for the objects contemplated by that section, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriations for the surveying service; but any excesses over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively."—(*Sec. 2402, R. S.*)

"Where settlers make deposits in accordance with the provisions of section twenty-four hundred and one, the amount so deposited shall go in part payment for their lands situated in the townships the surveying of which is paid for out of such deposits; or the certificates issued for such deposits may be assigned by indorsement, and be received in payment for any public lands of the United States entered by settlers under the pre-emption and homestead laws of the United States and not otherwise."—(*Sec. 2403, Rev. Stats., as amended by act of March 3, 1879.*)

The following regulations are prescribed to carry into effect the above provisions of law:

1. When one or more settlers on public lands shall apply to the surveyor general of the district within which such lands are situated for the survey of a particular township at his or their expense, that officer shall furnish to said applicant or applicants two separate estimates, one being the cost of the subdivisinal survey of the surveyable portion of the *entire township*, and the other to cover the expense of platting the survey.

2. Settlers availing themselves of the provisions of section 2401, Revised Statutes, shall deposit with a United States designated depository, to the credit of the United States Treasurer, on account of surveying the public lands and clerk hire in the surveyor general's office, in the district in which their claims are situated, the sums estimated as aforesaid, as the cost of the field and office work.

3. The surveyor general will take precaution to estimate adequate sums, thereby preventing any deficiency in the payment of deputy surveyor, as well as for clerk hire involved in the service.

4. Where several settlers desire the survey of the same township, the necessary deposits to cover all expenses of the survey and platting may be so subdivided as to be proportionate to the amount of lands within the township claimed by each settler; this, however, is a matter to be regulated by parties applying for such surveys; but all applicants should be informed that the law makes no provision for the refunding of any excess of the deposit *over the value of the lands taken*. The excess, however, if any, over and above the *actual cost of the survey in the field and office work*, will be refunded as heretofore. When from any cause the certificate of deposit is not used, no provision of law exists for the repayment of any portion of the amount deposited, except as stated in paragraph 10.

5. No certificate of deposit can be received in payment by the receiver for more than the cost of the land at government price, and when the certificate is for more than that amount the receiver will indorse the amount for which it is received, and will charge the United States with that sum only, *not as cash*, but in the manner prescribed in the last paragraph of these instructions, and *not* with the sum named on the face of the certificate.

6. Under section 2403, as amended, certificates of deposit for surveys *issued before or subsequent to March 3, 1879*, may be assigned; such assignments must be acknowledged before the register or receiver, or some person duly commissioned to acknowledge legal instruments.

7. Assignees should distinctly understand that the face value of these certificates is not arbitrary; for instance, if the certificate calls for two hundred dollars, and that amount has been expended in the actual cost of survey and office work, and the assignee presents the same in payment for land amounting in value to less than that amount, it must be surrendered in full satisfaction for the same.

8. In cases where the estimated cost of survey and office work is in excess of two hundred dollars, the settler should be instructed to deposit in two or more sums in order that no certificate may bear a face value of more than two hundred dollars.

9. The surveyor general in all cases will be careful to express upon the register's township plat the amount deposited by each individual, the cost of the survey in the field and office work, and the amount to be refunded in each case.

10. Before transmitting accounts for refunding the excess of deposits over and above the cost of survey in the field and office work the surveyor general will indorse on the back of the triplicate certificate of deposit in the possession of the depositor the following: "\$ ——— refunded to ———, by account transmitted to the General Land Office with letter dated ———," and will state in the account that he has made such indorsement. Where the whole amount deposited is to be refunded the surveyor general will require the depositor to surrender the triplicate certificate of deposit and transmit it to this office with the account.

No provision of law exists for refunding to other than the depositor.

11. In their monthly cash abstracts the register and receiver will designate the entries in which certificates of deposit are used, and the balances paid in cash, if any, noting on the certificates of purchase and receipts the manner of payment. The receiver in his monthly account current will debit the United States with the amount of such certificates, and in his quarterly accounts specify each entry made with these certificates, giving number, date, amount for which received, by whom and with whom the deposit was made, and debit the United States with the same, which must accompany his accounts as vouchers.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

The Division E, of this office, having charge of surveys and drafting, reports the work done for fiscal year ending June 30, 1879, as follows, viz:

Number of letters received	2,858
Number of letters written	2,371
Number of folio pages of record occupied	2,005
Number of reports on adjusted accounts	1,274
Number of folio pages of record occupied	1,274
Amounts of adjusted and reported accounts	\$513,782 20

1. Twenty-six special maps of States and Territories made, viz: Ohio, Indiana, Illinois, Missouri, Arkansas, Iowa, Minnesota, Nebraska, Kansas, Louisiana, Mississippi, Alabama, Florida, Oregon, California, Nevada, Colorado, Indian Territory, Washington, Idaho, Montana, Wyoming, Dakota, Utah, Arizona, and New Mexico.

2. Volumes of field notes arranged according to States and Territories, particular bases, principal meridians, townships and ranges, indexed for easy reference—53.

3. Railroad maps constructed, with lateral limits indicated thereon of land granted to different railroad companies, copies of same for land offices, also tracings of railroad maps—101.

4. Exemplifications of plats, copies of town sites, tracings of private land patents, and copies of same in record books, also other records prepared for applicants under act of Congress approved July 2, 1864 (sec. 461, Revised Statutes)—1,704.

In addition to the above, protractions of surveys have been made, areas calculated, and diagrams made of same, surveys of islands and lakes have been tested, and diagrams of same made, also 3,144 tracings of old wornout plats have been examined.

Unfinished work: 1. Arranging and indexing field notes and plats; 2.

28 field note diagrams forming the index volume; 3. 14 railroad volumes; 4. The tracing of the annual map of the United States, two-thirds of which has been completed.

DISPOSALS OF PUBLIC LANDS.

During the fiscal year ending June 30, 1879, the disposals of public lands amounted as above stated, to 9,333,383.29 acres. In this aggregate is included the sum of 622,513.96 acres of cash sales, this sum covering 165,996.53 acres of desert lands entered under the act of March 3, 1877, in addition to the area embraced in ordinary private sales for cash, under section 2354 of the Revised Statutes of the United States; in pre-emption entries paid for in money, under section 2259 Revised Statutes; in commutations of homestead entries to cash, under section 2301 Revised Statutes; and in various other classes of disposals for money under special laws, as of lands in certain abandoned military and Indian reservations. These figures show a falling off of 254,981.18 acres as compared with the previous fiscal year.

Pre-emptions.

In addition to cash sales and locations with military bounty land warrants, with agricultural college scrip, and with private land claim scrip, allowed pursuant to sections 2257 to 2287 Revised Statutes, and act of January 28, 1879, which contain provisions for the disposal of public lands to actual settlers to whom is given the preference right to purchase, on certain conditions, the tracts covered by their respective settlements, the pre-emptive principle is embodied in other enactments under which certain classes of public lands are held subject to entry, such as town sites under sections 2380 to 2394, and act of March 3, 1877. In reference to cases arising under the several laws referred to, the following is a statement of the work performed by the Pre-emption Division, G, during the year ending June 30, 1879:

Contested cases in the division undecided July 1, 1878.....	458
Contested cases in the division decided July 1, 1878.....	495
Total in division July 1, 1878.....	953
Received during year ending June 30, 1879.....	1,790
Total.....	2,773
Decided during the year.....	1,112
Closed during the year.....	1,122
Referred to other divisions.....	21
Total disposed of.....	1,143
In the division June 30, 1879, decided and undecided.....	1,630
Of these, 485 are decided and 1,145 are undecided.	
Ex parte entries in the division July 1, 1878, not acted on.....	2,050
Ex parte entries in the division July 1, 1878, suspended.....	1,082
Total in division July 1, 1878.....	3,132
Received during the year.....	4,254
Total.....	7,386
Approved during the year.....	3,726
Referred to other divisions.....	223
Total disposed of during the year.....	3,949
Total in the division July 30, 1879.....	3,437

Of these, 2,314 have not been acted on and 1,123 are suspended for various causes.

During the year ending June 30, 1879, 5,240 letters have been received; of these 170 remain unanswered.

Number of letters written by the division.....	5,566
Number of pages recorded by the division.....	4,682
Number of pages copied by the division.....	2,463

The condition of the work in the division is about the same as reported one year ago. (Annual report 1878, page 28.) While the clerks assigned to this division have generally performed their duties well, and have worked diligently to accomplish a different result, the figures show but a slight decrease in the amount of arrearages.

This office has already recommended the consolidation of the homestead and pre-emption laws. In addition to the cogent reasons which have heretofore been submitted in favor of the consolidation proposed, it seems pertinent here to advert to the fact that claims originating under the respective laws are convertible, at the option of the parties. Under the original homestead law of May 20, 1862, and as now embodied in section 2289 of the Revised Statutes, a pre-emption settler had the option of transmuting his claim to a homestead entry, and under the act of May 27, 1878, he is entitled to the credit on his homestead entry of all the time embraced in his pre-emption settlement. So, also, under the provisions of section 2301 of the Revised Statutes, the homestead claimant is allowed at any time prior to the expiration of five years to commute his homestead entry to a cash entry, and obtain patent therefor from the government as in other cases directed by law, upon making proofs of settlement and cultivation as required in the pre-emption law. It may also be stated that by the generous legislation of Congress since the year 1872 the time for the proofs and payments of pre-emption settlers has already been extended until large numbers of them have resided on their claims, or held legal possession of them, for a period of time much longer than is allowed under the homestead law. This is notably the case in all that region of the public domain injured by grasshoppers, and when the extent of that injury is taken into consideration, and the number of parties claiming to be sufferers by reason thereof, some idea may be formed of the immense aggregation of that class of pre-emptions. It is reasonable to suppose that hundreds and thousands of these claimants have made valuable improvements on their lands, and under the decisions of the Supreme Court in the case of *Atherton vs. Fowler* and *Hosmer vs. Wallace*, it is somewhat a matter of speculation what may be the issue of their claims as respects the time of the adjustment thereof and the portion of the land which may be finally awarded to them.

It is therefore suggested, in view of these serious complications, and in order to simplify the process of acquiring homes on the public domain, that the legislation which has been so repeatedly asked for by this office should receive the careful consideration of Congress.

I deem it proper to refer more particularly in this place to the recent decisions of the United States Supreme Court in the cases of *Atherton vs. Fowler* (6 Otto, 513), and *Hosmer vs. Wallace* (7 Otto, 575), construing the pre-emption laws. As contained in the Revised Statutes, these laws, among other things, provide as follows:

SEC. 2257. All lands belonging to the United States, to which the Indian title has been or may hereafter be extinguished, shall be subject to the right of pre-emption, under the conditions, restrictions, and stipulations provided by law.

SEC. 2259. Every person, being the head of a family, or widow, or single person, over the age of twenty-one years, and a citizen of the United States, or having filed a declaration of intention to become such, as required by the naturalization laws, who has made, or hereafter makes, a settlement in person on the public lands subject to pre-emption, and who inhabits and improves the same, and who has erected or shall

erect a dwelling thereon, is authorized to enter with the register of the land-office for the district in which such land lies, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land.

SEC. 2260. The following classes of persons, unless otherwise specially provided for by law, shall not acquire any right of pre-emption under the provisions of the preceding sections, to wit:

First. No person who is the proprietor of three hundred and twenty acres of land in any State or Territory.

Second. No person who quits or abandons his residence on his own land to reside on the public land in the same State or Territory.

SEC. 2264. When any person settles or improves a tract of land subject at the time of settlement to private entry, and intends to purchase the same under the preceding provisions of this chapter, he shall, within thirty days after the date of such settlement, file with the register of the proper district a written statement, describing the land settled upon, and declaring his intention to claim the same under the pre-emption laws; and he shall, moreover, within twelve months after the date of such settlement, make the proof, affidavit, and payment hereinbefore required. If he fails to file such written statement, or to make such affidavit, proof, and payment within the several periods named above, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

SEC. 2265. Every claimant under the pre-emption law for land not yet proclaimed for sale is required to make known his claim in writing to the register of the proper land-office within three months from the time of the settlement, giving the designation of the tract and the time of settlement; otherwise his claim shall be forfeited and the tract awarded to the next settler, in the order of time, on the same tract of land, who has given such notice and otherwise complied with the conditions of the law.

SEC. 2266. In regard to the settlements which are authorized upon unsurveyed lands, the pre-emption claimant shall be in all cases required to file his declaratory statement within three months from the date of the receipt at the district land-office of the approved plat of the township embracing such pre-emption settlement.

SEC. 2267. All claimants of pre-emption rights, under the two preceding sections, shall, when no shorter time is prescribed by law, make the proper proof and payment for the land claimed within thirty months after the date prescribed therein, respectively, for filing their declaratory notices, has expired.

SEC. 2273. When two or more persons settle on the same tract of land, the right of pre-emption shall be in him who made the first settlement, provided such person conforms to the other provision of the law; and all questions as to the right of pre-emption arising between different settlers shall be determined by the register and receiver of the district within which the land is situated; and appeals from the decision of district officers, in cases of contest for the right of pre-emption, shall be made to the Commissioner of the General Land Office, whose decision shall be final, unless appeal therefrom be taken to the Secretary of the Interior.

Thus we have defined in explicit terms the lands which shall be subject to pre-emption, the personal qualifications required in a pre-emptor, and what shall constitute a disqualification, as well as the several requirements of the law to entitle a party to exercise the right with reference to the classes of offered and unoffered lands respectively, and the penalty attached to a non-compliance therewith; also the method of adjustment in case of conflicting pre-emption claims, and the original and appellate jurisdiction of the officers connected with the Department of the Interior charged with the adjudication of pre-emption cases.

In reference to the class of lands which, having been offered at public sale according to law, are subject to sale at ordinary private entry, the penalty prescribed by section 2264, above quoted, in case the settler fails to file or to prove up and pay for the land in time, is that the tract shall be subject to the entry of any other purchaser. This penalty has been enforced by the rulings of the department, and in this respect its rulings harmonize with the Supreme Court decisions referred to, as there is nothing in those decisions which holds that land subject to sale at private entry may not be purchased by any one desiring to do so, although it be occupied and improved by another party, unless that party has the legal right of pre-emption.

In reference, however, to the class of lands which have not been pro-

claimed, and which therefore are not subject to private entry, the penalty prescribed by section 2265, above quoted, in case the settler fails to comply with the legal requirements as therein given, is that the "claim shall be forfeited and the tract awarded to the next settler in the order of time on the same tract who has given such notice and otherwise complied with the conditions of the law." The decisions of the Supreme Court which have been mentioned are to the effect that no other settler can do anything to acquire a pre-emption right as long as the delinquent party occupies and improves the land; and therefore the tract cannot be awarded to the next settler in the order of time, as provided for, so long as the first settler chooses to occupy it with improvements thereon. In the Atherton-Fowler case the court held that "The right to make a settlement was to be exercised on unsettled land; to make improvements on unimproved land. To erect a dwelling-house did not mean to seize some other man's dwelling. It had reference to vacant land; to unimproved land." And again, in the Hosmer-Wallace case, the court declared that no act pertaining to the inception of pre-emption rights "can be done on land when it is occupied and used by others."

The principle laid down by the court in these decisions seems to recognize a right of occupancy of the public lands as against parties seeking to enjoy the benefits of the pre-emption laws in the way pointed out therein, without restriction as to the person occupying or the area occupied. A person although not possessing the qualifications prescribed in the pre-emption laws—a minor or a foreigner—one who may have already exhausted his pre-emption right, who is already the proprietor of 320 acres of land, who may have large possessions already acquired from the public domain by settlement or otherwise—may occupy the public land to an extent only limited by his desire or means of making the requisite improvement, and there is no power to restrain or oust him, save the power of the Executive to bring the land into market under existing laws, or the legislative power to make some other disposal of the same.

The present policy of the government is adverse to bringing the public lands into market to be disposed of in large quantities to parties who would buy for speculative purposes. It contemplates rather that they should be held by the government for gradual disposal as they are required for small farms by actual settlers. In providing a method of reaching this object, the pre-emption, homestead, and timber-culture laws have been enacted. As the decisions of the Supreme Court referred to show that the unoffered public lands may be taken up and held indefinitely by parties not seeking to acquire title under these laws; to the exclusion of those who do, I respectfully recommend that action be taken to bring the matter before Congress for legislation, with a view to limiting and regulating this right of occupancy in such manner as may be deemed expedient. It will perhaps be conceded that the meritorious settler already occupying public land, with valuable improvements thereon, should not be deprived of his home and improvements in favor of another who may have acquired some technical advantage over him under the law, and that in such case the prior settler should be allowed the preference right to enter; but it is clear to my mind that this right should be made the subject of positive legislation, establishing and determining the proper limits of its enjoyment.

I desire also again to urge the recommendation contained in my last annual report (page 29), that section 2262 of the Revised Statutes be so amended as to allow the pre-emption settler to make his personal affidavit before any officer residing in the vicinity of the land authorized

to administer oaths, and whose official character is duly authenticated by the use of a seal or certificate.

I attach a copy of circular letter addressed to the registers and receivers of the district land offices under date of October 7, 1879, regarding the proper character of witnesses in making final proof under the homestead and pre-emption laws, viz :

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., October 7, 1879.

GENTLEMEN: It is desired that the testimony offered by pre-emption and homestead claimants at the time of making final proof of their personal qualifications and compliance with the requirements of the law under which they claim shall be that of disinterested witnesses as nearly free from objection as possible; and with this end in view you will reject the testimony of persons who are members of or immediately connected with the family of a claimant, except in cases where it is impossible or impracticable for the claimant to furnish other testimony. In such cases, upon his making affidavit of the facts showing to your satisfaction the impossibility or impracticability of furnishing other testimony, you may receive such testimony as he may be able to procure, using great care to elicit from the witnesses the true state of facts relative to the claimant's right to make the desired entry.

In contested cases the testimony of relatives should be received, but will be considered only in so far as it corroborates or is in accordance with the general tenor of the evidence of disinterested persons.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGISTERS AND RECEIVERS,
United States Land Offices.

The following decisions are here given as having reference to pre-emption rights:

TOWN SITE OF SEATTLE *vs.* VALENTINE ET AL.

A town may be located upon the public lands, or partly upon the public lands and partly upon private lands, but in case the inhabitants of the town reside upon the private lands they cannot be considered as occupants of the public lands for the purpose of supplying the number of inhabitants necessary to authorize an entry of the public lands.

The right of a town to make an entry must be computed upon the basis of the number of occupants of the public lands.

Location of Valentine scrip within the limits of an incorporated town denied.

(See extracts from decision in the Concordia town site case published in the annual report for 1876 page 52.)

DEPARTMENT OF THE INTERIOR,
Washington, March 19, 1879.

SIR: I have considered the case of The City of Seattle *vs.* Hugh McAleer *et al.*, pre-emption claimants, the Northern Pacific Railroad Company, and Thomas B. Valentine, scrip claimant, involving certain lands in sections 4, 5, 8, and 9, township 24 north, range 4 east, Olympia land district, Washington Territory, on appeal from your decision of January 12, 1877, rejecting the claims of all of the parties except that of Thomas B. Valentine to one tract of land.

The facts of this case are as follows, viz: The lands in dispute, together with 322.64 acres immediately west of the same, were settled upon and located in 1852 by D. S. Maynard, a married man, under the act of Congress approved September 27, 1850, commonly known as the "Donation act."

Said location was known as donation claim No. 43, for 640 acres, and notification (No. 407) of the location of said claim was dated October 26, 1853.

Donation certificate No. 440, for said claim, was issued by the local land officers to D. S. Maynard and Catharine P. Maynard, his wife, on May 14, 1869.

On August 12, 1872, your predecessor, Mr. Commissioner Drummond, rejected the wife's claim to the east half of said location, and approved the husband's claim to the west half thereof, and this decision was affirmed by my predecessor, Hon. C. Delano, on March 1, 1873.

After the rejection of the claim of the wife to the east half of said claim, the public surveys were extended over the land and a plat of survey filed in the local land office on March 15, 1874.

The original town of Seattle was founded in 1852, and the occupied portion of the present city is located on the west or approved portion of the Maynard donation claim.

The city of Seattle was incorporated by the Territorial legislature on December 2, 1869, and all of the lands in dispute were included within the corporate limits thereof.

A new act of incorporation was passed by the Territorial legislature on November 12, 1875, and by section 107 thereof it was provided:

"SEC. 107. All of the act of which this act is amendatory, except the sections incorporated herein without amendment otherwise than by changing the number thereof, be, and the same is hereby, repealed.

"All other acts or parts of acts heretofore passed in relation to the subject matter herein contained are hereby repealed.

"And all other acts or parts of acts in anywise inconsistent with this act are hereby repealed."

The tracts in sections 8 and 9 were not included within the corporate limits of the city by the act of 1875.

On May 22, 1875, Henry L. Yesler, mayor of the city of Seattle, applied on behalf of said city to enter the lands in question.

The records show that the lands applied for had prior to that time been platted into lots, blocks, streets, alleys, and a public park.

The city is shown to contain from 3,000 to 3,500 inhabitants, most of whom reside on the approved portion of the old Maynard claim.

The only actual improvements on the lands in question are those made by the pre-emption claimants and part of a corral attached to the slaughter-house of Phelps and Wadleigh.

This is the case presented by the city. Hugh McAleer filed declaratory statement 3162 for lots 13 and 14, section 4, lots 7, 8, and 9, section 5, and lot 5, section 8, on April 22, 1874, alleging settlement November 22, 1869.

F. A. Minich filed declaratory statement 3238, June 26, 1874, for lots 8 and 9, section 4, alleging settlement June 22, 1874, and made proof and payment May 4, 1875, per cash entry No. 5069.

E. W. Blake filed declaratory statement 3242, July 2, 1874, for lots 13 and 14, section 4, alleging settlement July 1, 1874.

Ephraim Calvert filed declaratory statement 3249, July 11, 1874, for lot 5, section 8, alleging settlement July 1, 1874.

Charles C. Rich filed declaratory statement 3243, July 2, 1874, for lots 7, 8, 11, and 12, section 4, alleging settlement June 22, 1874, and made cash entry No. 5011, January 5, 1875.

The odd sections in said township "not reserved, sold, granted, or otherwise appropriated, and free from pre-emption or other claims or rights," were withdrawn for the benefit of the Northern Pacific Railroad Company on August 13, 1870.

Thomas B. Valentine made application on May 1, 1876, to locate Valentine scrip E, Nos. 297, 298, 299, and 300, on lots 7, 8, 9, 10, 11, 12, 13, and 14, section 4. He also applied on June 9, 1876, to locate Valentine scrip E, No. 301, on lot 5, section 8.

You rejected the application of the city of Seattle to enter said lands because the testimony showed that the inhabitants of the city resided upon private property and not upon the public lands, and because the lands applied for were not used and occupied for municipal purposes.

You rejected the pre-emption claim of McAleer, first, because he was the owner of 320 acres of land at the date when he first claimed as a pre-emptor in 1871; secondly, because at the date of his settlement and filing the land was included within the corporate limits of the city and not subject to disposal under the pre-emption laws.

You held the cash entry of Rich, and the filing of Blake for cancellation, because they were made for lands included within the corporate limits of the city; and also because they were not qualified pre-emptors under section 2261 of the Revised Statutes, having previously filed for other tracts of land.

The cash entry of Minich was held for cancellation, because the lands included therein were at the date of his settlement and entry included within the corporate limits of the city. The filing of Calvert was held for cancellation, because he had abandoned his residence on the land prior to the passage of the act of November 12, 1875, by which the land was excluded from the corporate limits of the city, and had not lived thereon since that date, and at the date of trial his house was not habitable.

You rejected the claim of the Northern Pacific Railroad Company to the lands in sections 5 and 9, because said lands were covered by the donation claim of D. S. Maynard and wife at the date of the withdrawal for railroad purposes, and were therefore excepted from the operation of the grant; basing your opinion upon the decision of the Supreme Court of the United States in the case of *Newhall vs. Sanger* (2 Otto, 761).

The application of Valentine to locate his scrip upon the lands in section 4 was rejected because said tracts were located within the incorporated limits of the city at the date of said application.

The application of Valentine to locate scrip E, 301, on lot 5, section 8, was granted

for the reason that the land was found to be without the corporate limits of the city and wholly unoccupied and unappropriated.

There is no error in your decision rejecting the claim of the Northern Pacific Railroad Company to the odd sections of land.

The application of the city of Seattle to enter the lands in question was properly rejected. Under the town site laws, a town may be located entirely upon the public lands or partly upon the public lands and partly upon private lands, but in case the inhabitants of the town reside upon the private lands, they cannot be considered as occupants of the public lands for the purpose of supplying the number of inhabitants necessary to authorize an entry of the public lands.

In such cases the right of a town to make an entry must be computed upon the basis of the number of occupants of the public lands, and the number of occupants of the private lands cannot be considered. Every legal subdivision of the public lands applied for need not be actually occupied, but there must be a sufficient number of inhabitants upon some part of the public lands to authorize an entry of the lands for town purposes. The evidence in this case shows that at the date of this application there were not to exceed six persons residing upon the lands applied for, and there was no error in your decision rejecting the same.

It is claimed by counsel for the pre-emptors:

1. That the evidence fails to establish the fact that the city of Seattle was ever legally incorporated, but does establish the contrary.

2. That the acts of 1869 and 1875, incorporating the city, have been decided to be invalid by the district court of said Territory, in the case of the City of Seattle *vs.* Henry L. Yesler, and that this decision is final and conclusive, except in a court having appellate jurisdiction in the same question and case.

3. That the rights of the pre-emption claimants had become vested prior to the reincorporation of the city by the act of 1875, and repeal of the act of incorporation of 1869.

4. That the claims of the pre-emptors are confirmed by section 2 of an act of Congress approved March 3, 1877, entitled "An act respecting the limits of reservations for town sites upon the public domain." (19 Statutes, p. 392.)

1. With reference to the first point:

It appears that the city of Seattle was incorporated by a special act of the legislature of Washington Territory, approved December 2, 1869, which act was amended by another special act, approved November 12, 1875, and it is contended that said special acts are void because they were enacted in violation of the provisions of an act of Congress approved March 2, 1867. (14 Statutes, 426, now section 1859 of the Revised Statutes.) On this point it must be held that this department has no authority to decide that the acts of the Territorial legislature are void. The validity of the acts must be determined by the courts.

2. The record shows that the city of Seattle brought an action against Henry L. Yesler for the recovery of a sum of money assessed against his property for grading one of the streets of said city, and that the complaint showed on its face that plaintiff was a corporation created and organized under the said special acts of the legislature of the Territory.

At the January term, 1877, of the district court the defendant filed a demurrer to the plaintiff's complaint, and assigned as one of his grounds of demurrer that plaintiff was not a lawful body politic and corporate, because under the laws of the United States a municipal corporation could not be created by special act of a Territorial legislature. There was joinder in demurrer, whereupon the court sustained the demurrer and rendered judgment against the plaintiff for the costs of suit. The plaintiff thereupon took the case to the supreme court of the Territory by writ of error, where it now remains pending and undecided.

As the question at issue is now *sub judice*, the acts creating the corporation must be considered as valid until otherwise decided by the supreme court of the Territory.

3. The city was incorporated at the time the pre-emption claimants made their settlements on the land in question, and it was therefore impossible for them to have acquired any vested rights within the incorporated limits.

This principle was fully discussed and decided by Mr. Justice Swayne, in 1868, in the case of Root *vs.* Shields (1 Woolworth, C. C., p. 340).

The act of 1875 was a substitute for the incorporation act of 1869, and while it repealed the former law it also established a new law of incorporation which went into operation at the same moment of time the old law was repealed, thus leaving no period of time within which an adverse right could attach.

4. It is said that the pre-emption claims are confirmed by section 2 of the act of Congress approved March 3, 1877. Said section is in the following words:

"That where entries have been heretofore allowed upon lands afterward ascertained to have been embraced in the corporate limits of any town, but which entries are or shall be shown to the satisfaction of the Commissioner of the General Land Office to include only vacant unoccupied lands of the United States, not settled upon or used

for municipal purposes nor devoted to any public use of such town, said entries, if regular in all respects, are hereby confirmed and may be carried into patent: *Provided*, That this confirmation shall not operate to restrict the entry of any town site to a smaller area than the maximum quantity of land which, by reason of present population, it may be entitled to enter under section twenty-three hundred and eighty-nine of the Revised Statutes." (19 Statutes, 392.)

None of the pre-emption claimants, except Rich and Minich, have entered the land claimed by them, and their claims are not therefore confirmed by said act. Rich is not a qualified pre-emptor, and his entry being illegal is not confirmed.

With reference to the entry of Minich, it will be observed that the section above quoted confirms such entries only as have been allowed for lands "afterward ascertained" to be within the corporate limits of a town. The testimony in this case shows that during most of the period of Minich's alleged residence on the land he was the marshal of the city of Seattle, that he voted in the city election in 1874, and exercised all of the rights and privileges claimed and exercised by other citizens of the city. His authority as marshal was confined to the corporate limits of the city, and it was impossible for him not to have known, as a matter of fact, that the land claimed by him was within the city limits. This section was not intended to confirm entries made within the corporate limits of a city, by persons who had full knowledge of the fact that the lands were so situated, at the time the entries were made, and said entry does not fall within the remedial provisions of the section, and is not confirmed.

After a careful examination of the testimony, I am of opinion that said pre-emption claims were properly rejected by you, and that they are not confirmed by the act of March 3, 1877. Your decision rejecting the application of Thomas B. Valentine to enter certain tracts within the corporate limits of the city with Valentine scrip is affirmed on authority of my decision of the 28th ultimo, in the case of Thomas B. Valentine *vs.* The City of Chicago. The application of Mr. Valentine to locate Valentine scrip E, 301, on the unoccupied and unappropriated tract outside of the corporate limits of the city is granted.

Your decision is affirmed for the reasons stated, and the papers transmitted with your letter of February 4, 1878, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

JAMES R. LANGLEY.

Lands within the granted limits of the Atlantic and Pacific Railroad Company were not excepted from the grant to said company by reason of a prior withdrawal for the Southern Pacific Railroad Company, and the even sections within such withdrawals were raised to the double minimum price by virtue of the proviso to section 2357 of the Revised Statutes.

DEPARTMENT OF THE INTERIOR,
Washington, June 16, 1879.

SIR: I have considered the appeal of James R. Langley from your decision of July 3, 1878, rejecting his application to enter at \$1.25 per acre lots 1, 2, 3, and 4, section 2, township 24 south, range 14 east, San Francisco land district, California.

The land in question is within the thirty mile or indemnity limits of the Southern Pacific Railroad, the right of which attached on January 3, 1867; it is also within the twenty mile or granted limits of the Atlantic and Pacific Railroad, the right of which attached on definite location, August 15, 1872.

Mr. Langley's application to enter this land at \$1.25 per acre is based upon the ground "that the land is situated within the indemnity belt of the reservation for the Southern Pacific Railroad, and was included in said belt at the date of the reservation for the Atlantic and Pacific Railroad, and the odd sections being so reserved could not be affected by the latter reservation, wherefore it follows that as the odd sections in said belt were not affected by the reservation for the Atlantic and Pacific Railroad, the even sections within such belt could not be affected by the second reservation, but remained subject to entry at the minimum price as they had been prior to the Atlantic and Pacific Railroad withdrawal."

You decided that said lands were raised to \$2.50 per acre by the proviso to section 2357 of the Revised Statutes, and rejected Mr. Langley's application, and he has appealed from your decision.

The grants to the Atlantic and Pacific Railroad Company and the Southern Pacific Railroad Company were made by the act of Congress approved July 27, 1866 (14 Statutes, 299), and both companies have an equal right to the lands within the overlapping limits without regard to the question of priority of location or construction.

The applicant in this case admits that the lands which he wishes to enter are within the granted limits of the Atlantic and Pacific Railroad, but he claims that they were

excepted from the grant to said road by reason of a prior withdrawal for the Southern Pacific Railroad, and being within the indemnity limits of the latter road they were not raised to the double minimum price.

This position is wholly untenable. In the case of Sioux City Railroad Company *vs.* The Union Pacific Railroad Company, where both grants were made by the same act of Congress, and where one company had secured priority of location and construction, Judge Dillon held that neither road had an exclusive right to lands within the overlapping limits, and sustained the validity of a joint patent for them issued by your office.

In passing upon this question the learned judge said: "The inception of the grants to both of these contesting companies is the same. They are contemporaneous in their origin. They both spring from the same legislation. The right of the one company, as respects the other, does not depend upon priority of location or construction." (4 Dillon, U. S. Circuit Court Reports, p. 307.)

The same doctrine was announced on a similar state of facts by Associate Justice Miller, of the Supreme Court of the United States, in the matter of the contest between the McGregor and Missouri River Railroad Company *vs.* The Sioux City and Saint Paul Railroad Company, involving certain lands within the overlapping limits of said roads.

The doctrine was adopted also by this department in the case of The Central Branch Union Pacific Railroad Company *vs.* The Kansas Pacific Railroad Company. (Copp's Land Owner for January, 1879, p. 148.)

I am of opinion that the lands within the granted limits of the Atlantic and Pacific Railroad Company were not excepted from the grant to said company by reason of a prior withdrawal for the Southern Pacific Railroad Company, and that said lands were raised to the double minimum price by virtue of the proviso to section 2357 of the Revised Statutes.

Your decision is affirmed for the reasons stated, and the papers transmitted with your letter of April 23, 1879, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

PATRICK CLASBY.

The odd-numbered sections excepted from the grant to the Western Pacific Railroad Company, because within the claimed limits of an unadjusted private land claim at the date of withdrawal, but finally excluded from such claim, are not excepted from the operations of the act of March 6, 1868, but must be sold for two dollars and fifty cents per acre.

DEPARTMENT OF THE INTERIOR,
Washington, October 15, 1878.

SIR: I have considered the appeal of Patrick Clasby et al. from your decision of August 13, 1877, involving certain lands in township 2 north, range 1 east, San Francisco land district, California.

The facts of this case, as shown by the record, are as follows, viz:

Patrick Clasby made pre-emption cash entry No. 4929 for the southwest quarter section 31, township 2 north, range 1 east, on September 21, 1874.

James Easton made pre-emption cash entry No. 4941 for the northeast quarter section 31, township 2 north, range 1 east, on September 22, 1874.

Alexander A. Nelson made pre-emption cash entry No. 4942 for the southwest quarter section 26, township 2 north, range 1 east, on September 22, 1874.

Anton Bussman made pre-emption cash entry No. 4943 for the southeast quarter section 26, township 2 north, range 1 east, on September 22, 1874.

All of said parties paid the minimum price of \$1.25 per acre for the lands entered by them. They all settled subsequent to the withdrawal of January 30, 1865. Said lands were formerly within the claimed limits of the Rancho Los Medanos, a private land grant made by the Mexican authorities prior to the cession of California by the treaty of Guadalupe Hidalgo, and finally confirmed to Jonathan D. Stevenson et al. by the United States district court, in default of appeal, on April 2, 1857. A survey of this rancho was made by Deputy Surveyor Lewis in October, 1860, and approved by Surveyor General Mandeville on December 18, 1860. Said survey was subsequently ordered into court on objection filed by the United States district attorney, pursuant to the provisions of the act of Congress approved June 14, 1860. (12 Statutes, p. 33.) By decree of the district court, dated February 3, 1869, the "Lewis survey" was rejected and a new one ordered. Pursuant to this decree a survey was executed by Deputy Surveyor Thompson in October, 1869, and approved by the court on November 23, 1869. An appeal from the decision of the district court approving said survey was dismissed by the circuit court on September 23, 1871, and a patent was issued for the land October 8, 1872.

Said lands are within the twenty mile limits of the withdrawal of January 30,

1865, for the Western Pacific Railroad Company, but were excluded from the grant to said company for the reason that the location and boundaries of the rancho were undergoing judicial examination in the United States district court at the date of the withdrawal.

You decided that the claimants must pay the double minimum price of \$2.50 per acre for the lands entered by them, and they have appealed from your decision.

This case, therefore, presents the naked question of law, whether lands excepted from the grant to said roads because they were within the claimed limits of the Los Medanos Rancho at the date of withdrawal, are subject to entry at \$1.25 or \$2.50 per acre.

By act of Congress approved March 6, 1868, it was provided, "That nothing in the act approved July 1, 1862, * * * and the acts amendatory thereof, shall be held to authorize the withdrawal or exclusion from settlement and entry, under the provisions of the pre-emption or homestead laws, of the even-numbered sections along the routes of the several roads therein mentioned, which have been or may be hereafter located: *Provided, that such sections shall be rated at two dollars and fifty cents per acre, and subject only to entry under those laws.*" (15 Statutes, p. 39.) This statute is general and sweeping in character, and clear and specific in terms, and fixes the price of all even sections of land within the limits of the roads mentioned at the double minimum price of \$2.50 per acre. No exceptions are made, and none can fairly be inferred from the words of the act.

It is contended by counsel that the price to be paid for the lands in question must be governed by the act of March 3, 1853, viz: "That any settler who has settled or may hereafter settle on lands heretofore reserved, on account of claims under French, Spanish, or other grants, which have been or shall be hereafter declared by the Supreme Court of the United States to be *invalid*, shall be entitled to all the rights of pre-emption granted by this act and the act of fourth of September, eighteen hundred and forty-one, entitled 'An act to appropriate the proceeds of the public lands and to grant pre-emption rights,' after the lands shall have been released from reservation, in the same manner as if no reservation existed."

In my opinion there is nothing in this act to take any lands therein referred to out of the statute regulating the price of the alternate reserved sections within railroad limits, as fixed by its own previous provisions, and I do not see that it applies to the present case in the manner claimed. If conceded to be applicable to the lands in question, it could only control in so far as concerned the *right of entry, and not of price to be paid*, for the act of March 6, 1868, specifically fixes the price to be paid, and being the last expression of the will of the law makers it *ipso jure* supersedes all other legislation upon that subject.

I have considered in this connection, by request, an argument filed by James F. Stewart, esq., of San Francisco, who appears for certain settlers on lands excluded from the Rancho Sespe, by final survey, and in which the same questions are involved.

Your decision is affirmed, and the papers transmitted with your letter of August 9, 1878, are herewith returned.

Very respectfully,

C. SHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

JAMES C. CONNER.

Rule governing local land officers in the allowance of pre-emption entries for more than 160 acres.

DEPARTMENT OF THE INTERIOR,
Washington, June 13, 1879.

SIR: I have considered the appeal of James C. Conner from your decision of April 12, 1878, requiring him to relinquish certain lands entered by him in excess of the amount authorized by law.

It appears from the papers submitted, that on September 4, 1877, Mr. Conner made cash entry No. 40 for lots 1 and 2 in section 7, lots 1 and 2 and northwest quarter of southwest quarter section 8, and lot 3, section 17, township 27 south, range 23 west, Larned land district, Kansas.

The area of said tracts is as follows, viz:

	Acres.
Lot 1, section 7, contains.....	41.80
Lot 2, section 7, contains.....	20.10
Lot 1, section 8, contains.....	39.71
Lot 2, section 8, contains.....	28.35
Northwest quarter of southwest quarter, section 8.....	40.00
Lot 3, section 17, contains.....	9.80
Making a total of.....	179.76

and an excess of 19.76 acres over the amount authorized by law to be entered. On this state of facts you required Mr. Conner to relinquish such portion of the land entered as he might select, so as to cause the residue to approximate to the amount authorized by law to be entered.

There is no error in your decision. The uniform rule of practice in cases of this character is that where the land entered exceeds the maximum by a greater number of acres than the sum of the deficiency after a tract is deducted from the entry, the party making the entry must relinquish one of the tracts entered. In this case Mr. Conner can relinquish lot 2 of section 7, and still retain 159.66 acres, being only .34 of an acre less than the maximum, and he has no just cause for complaint at your action in enforcing the established rule of practice in his case.

Your decision is affirmed, and the papers transmitted with your letter of April 17, 1879, are herewith returned

Very respectfully,

C. SCHURZ, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

TIBBETTS *vs.* WEMPLE.

A pre-emptor loses no rights by the failure of an officer to perform his duty, provided the settler is not in default.

DEPARTMENT OF THE INTERIOR,
Washington, May 8, 1879.

SIR: I am in receipt of an application dated the 18th ultimo, by Messrs. Drummond and Bradford, attorneys for James M. Tibbetts, for a reversal of my decision of the 11th ultimo, in the case of said Tibbetts *vs.* E. H. Wemple. The application is based upon the ground that the decision "is erroneous and contrary to the law and the facts generally," and in certain particulars.

No additional evidence is presented, and all the questions and principles involved were before me when my decision was rendered. Without discussing the question of the technical sufficiency of the ground upon which the decision was based I am of the opinion, after a careful examination of the case, that my conclusion was correct, and that the same should not be changed. The application is therefore denied.

In addition to the matters stated in my letter of the 11th ultimo, however, I deem it proper to add the following suggestions:

In said letter it is stated that Wemple filed declaratory statement for the tracts, February 5, 1877, alleging settlement September 8, 1876. The record in the case also shows that the register of the local office was instructed by your letter of October 30, 1876, to receive the filing of Wemple offered September 11th, alleging settlement September 7, 1876, as of the date when the same was offered. Had the register performed his duty in the premises and entered the filing on his records, as instructed, the record would have been complete.

The second filing, of February 5, 1877, was evidently made under the erroneous impression that it was necessary in order to protect the rights of Wemple. This impression was the result of the failure of the register to do his duty, viz, that of entering the filing as directed.

The department cannot entertain the proposition that a pre-emptor loses any right by the failure of an officer to perform his duty, provided the settler is not in default.

The filing of February 5, 1877, should be treated as of no effect.

Had the record been complete, and had Wemple abandoned his filing offered September 11th, a different state of facts would exist. Under the circumstances, however, the filing of February 5, 1877, cannot in law or equity be considered an abandonment of the one offered September 11, 1876.

It is true that in said declaration settlement is alleged at 6 o'clock p. m., September 7th, the hour the letter of cancellation was taken from the post-office by the register, and a few hours before it was entered upon the records of the land office.

The rights of a pre-emptor, however, depend upon the facts connected with his settlement, provided he files his declaration within the time required by law.

It is true that Wemple could gain no legal rights by settlement prior to the cancellation of the former homestead entry, but after a careful examination of the testimony I am satisfied that Wemple was in no sense a trespasser upon the land as that word is employed in connection with the disposal of the public domain. He was in possession of the land, and was residing thereon before Tibbetts attempted to take possession of the premises, and the latter can have no right in law or in equity based upon his attempted occupation of the tract, even though Wemple was in possession of the same without the authority of law.

Wemple was residing upon the land at the date of the cancellation of the former homestead entry. He gave notice of his intention to claim the same within the time required by the statute.

The rights which Tibbeths might have acquired under his homestead entry, had he possessed equal equities with Wemple, and had he been an actual resident upon the land at the date of cancellation of the former entry, is not a subject which it is necessary to discuss at this time. His attempted occupation of the land while the same was in the possession of Wemple, conferred upon him no equity, and he was not residing thereon at the date of the cancellation of the former entry.

Without further discussing the question, I am clearly of the opinion that in the absence of these two circumstances, viz, equal or superior equity and an actual residence, a homestead entry cannot defeat the pre-emption claim of one lawfully residing upon the tract at the instant the same becomes subject to appropriation.

The papers in the case are herewith transmitted.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

JOHN S. GEORGE.

A settler who abandons land claimed under the pre-emption law to avoid a contest with a party who settled and filed subsequent to his own filing, will not be allowed to file a declaratory statement for another tract of land.

DEPARTMENT OF THE INTERIOR,
Washington, May 21, 1879.

SIR: I have considered the appeal of John S. George, from your decision of July 13, 1878, holding for cancellation his cash entry, made August 20, 1877, for the southwest of northwest quarter, northwest of southwest quarter, of section 6, township 3 south, range 11 west, and lots 2, 3, and 4, in section 1, and lot 1 of section 12, township 13, range 12, Oregon City, Ore.

It appears that Mr. George filed a declaratory statement for another tract of land in the year 1870, and that the entry in question was based upon a second declaratory statement, filed August 28, 1876.

Your decision was in strict accordance with the uniform ruling of this department in numerous cases, and especially in that of *Minor vs. Briggs*. (Copp's Land Owner, vol. 4, p. 69.)

It appears from affidavits submitted that Mr. George abandoned the land for which his first filing was made, in order to avoid a contest with a party who settled and filed subsequently, but who was of a quarrelsome disposition and regarded as a desperate character, and that George was afraid to assert his rights before the land department, or the courts of the State of Oregon. The facts might create an equity in favor of Mr. George; but the reasons assigned for a failure to comply with the provisions of the statute cannot be recognized as valid in law. He could have asserted his rights before the land department, and they would have been maintained, without subjecting Mr. George to the danger of personal violence.

This department must be governed by the plain provisions of the law, and not by equitable considerations, and as a second filing is expressly prohibited by the statute, no legal rights can be obtained thereunder. Your decision is therefore affirmed, and the papers transmitted with your letter of January 25, last, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

BENJAMIN PROSSER.

Held, that a party who had acquiesced in the ruling of the local land officers restricting his entry to 120 acres of the 160 acres filed for by him, and who had accepted a patent for that quantity, was precluded by his own action from making an entry of the balance of his claim.—(Commissioner's letter of March 23, 1877, to register and receiver at Wichita, Kans.)

GEORGE E. BUCKMAN.

The department has no power to declare a patent void, nor, while a patent is outstanding, to allow another's claim to the land conveyed thereby.

DEPARTMENT OF THE INTERIOR,
Washington, February 26, 1879.

SIR: I have received and considered the application of George E. Buckman for a reconsideration and modification of my decision of December 31, 1878, in the case of *George E. Buckman vs. The Western Pacific Railroad Company*, involving the right to the northwestern quarter of section 13, township 7 south, range 2 west, Mount

Diablo meridian, San Francisco, Cal. A patent for said tract was issued to said railroad company on June 29, 1867.

The only question raised by that application is that the patent issued to the company is void, and therefore no bar to the issuing of a second patent to Mr. Buckman. This department has no power to declare a patent void, nor while said patent is outstanding to recognize another's claim to said land. If the patent issued is void, it can only be set aside by the courts. In the mean time it is good as against the government and all claiming under the government. (*United States vs. Stowe*, 2 Wallace, 525.) If a patent were issued to Mr. Buckman on his claim, it would avail him nothing in a suit brought to recover possession of the tract in question.

Upon a reconsideration of the questions involved in this case, as set forth in my former decision, I find no error therein, and this application is therefore denied.

The application and accompanying papers are herewith transmitted.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

LYONS *vs.* STEVENS.

Land improved and in the possession of one person is not subject to the settlement of another, claiming under the pre-emption law, and it is not necessary to assume that such occupation is valid, as against the government.

A polygamous wife, because of her marriage, is not disqualified from making a homestead entry.

A woman who voluntarily maintains and acknowledges her position to be that of a plural or polygamous wife not entitled to make a homestead or pre-emption entry of the public land. The fact that she retains such relation is *conclusive* evidence that the entry is not made in good faith, for her own exclusive use and benefit.

DEPARTMENT OF THE INTERIOR,
Washington, September 27, 1879.

SIR: I have considered the case of Hugh Lyons *vs.* Rachael Stevens, involving the question of the right of these respective parties to the southeast quarter of section 7, township 5 south, range 2 east, Salt Lake City, Utah, on appeal from your decision of January 28, 1879, in which you held that Stevens was a qualified homestead claimant, but that Lyons had a prior pre-emption claim to the land, and the homestead entry of Stevens was held subject to the pre-emption right of said Lyons.

The first question to be determined is the one involving the validity of the claim of Lyons.

The records show that the tract in dispute was covered by the homestead entry of P. L. Farnsworth, made July 26, 1869, and subsequently canceled by your office. The notice of said cancellation was received at the local office April 7, 1877.

Lyons filed declaratory statement for the tract April 9, alleging settlement January 9, 1877. The evidence shows that he settled upon the land at the time alleged, and that he is duly qualified to make a claim under the statute.

From the evidence submitted it is, I think, clear that this tract, or a portion of the same, was in the possession of others prior to January 9, 1877, the time Lyons entered upon the same. Improvements had been placed thereon, and crops cultivated and harvested by and in the interest of persons who were claiming the land at the time Lyons settled. It is not necessary, at this point, to discuss the question whether these improvements were made by Mr. Holman, or by the defendant in this case, or whether the possession of the tract was in the interest of said Holman, or the defendant. Neither is it necessary to assume that the possession was a valid one, as against the government. It is sufficient to know that the tract had been improved by the persons in the possession of the same, and that said possession was adverse to that of the subsequent settler, Lyons.

The Supreme Court of the United States in the recent cases of *Atherton vs. Fowler*, (6 Otto, 513), and *Hosmer vs. Wallace* (7 Otto, 575), has defined the status of a tract of the public lands which is subject to pre-emption entry. It must be unimproved land, not in the adverse possession of another. It may be asserted that to enforce this rule will enable a person, not qualified to claim under the government, to retain for an indefinite period the possession of public land by improving and cultivating the same. This may be true, so far as adverse possession under the pre-emption and homestead laws is involved; but if so, it is a matter that this department cannot regulate. If it be an evil the remedy for the same must be provided by the legislative branch of the government. This department must execute the law as it finds it, and as it is interpreted by the highest judicial tribunal of the government.

I am clearly of the opinion that the tract in question, or at least a portion thereof, was not subject to the pre-emption settlement of Lyons, and his claim must therefore be rejected for that portion improved by and in the possession of another at the time of his settlement, and his filing canceled.

It is not clear, from the evidence submitted, upon what portion of the 160 acres in

dispute the improvements mentioned were located, or upon what portion the crops were raised in the year 1876.

If there should be one or more of the legal subdivisions, of 40 acres each, upon which no improvements were placed prior to January 9, 1877, or which had not been cultivated prior to that date, and which were not in the actual possession of the adverse claimants, the pre-emption right of Lyons to said subdivision or subdivisions should be recognized.

Should Lyons make application to perfect his claim by making proof and payment, an investigation on this point should be ordered, at which an opportunity should be given of showing where the improvements were placed, and when they were made. No improvements made, or possession initiated adverse to Lyons, subsequent to January 9, 1877, should be recognized, for if he had a legal right to make a settlement upon any portion of the tract at that date, any subsequent improvements made by adverse claimants would be at the peril of said claimants.

Can the homestead entry of Rachael Stevens for the tract in dispute or any portion thereof be recognized as a valid appropriation of the land? The evidence shows that said Stevens was, in the year 1856, married to John G. Holman, according to the rites of the Mormon Church. At this time Holman was living with his first wife, whom he had married in the year 1849, who is still living, and from whom he has never been divorced.

You held that the marriage of Stevens and Holman was illegal, and that said Stevens was duly qualified to make a homestead entry. I concur with you in the view that she is not the legal wife of Holman, and that being an unmarried woman, over the age of twenty-one years, she is, so far as the pretended marriage relation between herself and Holman is concerned, qualified to make the entry, if she is not in other respects disqualified.

It is a fundamental principle of the homestead law, that the entry must be made for the exclusive use and benefit of the applicant, and not directly or indirectly for the use or benefit of any other person.

Rachael Stevens testifies that she is the mother of seven children; that she understands from the decisions of the courts that she has no legal claim as the wife of Holman, and that she makes this entry to provide a home for herself and children, and that it is not made for the benefit of other parties.

The evidence shows that since the date of their marriage, Holman and Stevens have maintained the relation of husband and wife; that such relation still exists, with no attempt or apparent desire on the part of either to dissolve the same; that the crops raised on the tract in the year 1876 were divided between them, a portion thereof being used for the support of his lawful wife and her family, and for the support of Sarah Loda, his second polygamous wife, and her family; that the house which Stevens claims as her residence stands upon the intersecting corners of four quarter sections of land; that the quarter section immediately to the north of the tract in dispute is the homestead of said Holman, for which he obtained a patent upon proof made while he resided in said house, or a portion of it; and that the tract in dispute has heretofore been called "Holman's farm."

In view of these facts, I am unable to conclude that this entry was made for the exclusive use and benefit of the applicant. She still recognizes Holman as her husband, and he, to all intents and purposes, governs and controls her acts. If the first polygamous wife, while voluntarily retaining that illegal relation to a man, may, in her own name, obtain title to 160 acres of public land, the second or twentieth wife may do the same, and the so-called husband would thus obtain, in fact, for his own use and benefit the control of that number of tracts of public land. This will not be permitted under the homestead or pre-emption laws. If the so-called wife should repudiate the illegal relation and cease to violate the positive laws of her country and of the civilized world, the fact that she had at one time been called the wife of a man, and had maintained that relation to him, would not operate as a bar to her right. Such a woman, if otherwise qualified, should be permitted to obtain title to government land under the homestead and pre-emption laws the same as other duly qualified persons. No woman, however, who voluntarily maintains or acknowledges her position to be that of a plural or polygamous wife should be permitted to make a homestead or pre-emption entry of public land, as the very fact that she retains such relation is conclusive evidence that the entry is not made in good faith for her own exclusive use and benefit.

I am of the opinion that the entry of Rachael Stevens was not made for her own use and benefit, but for the use and benefit of John G. Holman and those depending upon him. You are, therefore, instructed to cancel the same, and in the future disposal of public land to be governed by the principles herein announced.

The papers in the case are herewith returned.

Very respectfully,

A. BELL,
Acting Secretary.

SARAH E. COWEN.

The right to transmute a pre-emption filing to a homestead entry is a personal one and can only be exercised by the party who filed the declaratory statement.
In case of the death of the pre-emptor the right must be perfected under section 2269 of the Revised Statutes.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 17, 1878.

GENTLEMEN: Sarah E. Cowen made homestead entry No. 3680, March 13, 1878, for southeast quarter, 33, 5 south, 70 west, and on the same day made final proof, certificate No. 1039, claiming credit for the period of settlement prior to entry under the declaratory statement 10368, filed August 31, 1875, settlement alleged February 25, 1874, by Miles Cowen, her deceased husband, and also for the time of service of deceased in the United States Army during the late war, a period of one year, eight months and twenty days.

It is held by this office that the right to transmute to a homestead entry is one belonging only to the party making the filing.

Even in her own name, acting independently of the pre-emption filing of her husband, a widow should not be allowed to make a homestead on land embraced in said filing until it shall appear satisfactorily that the heirs do not intend to prove up. A widow cannot be considered an heir unless declared such by special law of the State.

It will thus be seen that Mrs. Cowen's action in transmitting the declaratory statement of Miles Cowen is null and void, and her final certificate so held for cancellation as illegal.

The proof shows that Mrs. Cowen has five children. If she be the administratrix of the estate, in that capacity she may make final proof and payment on the filing of her husband, for the benefit of the heirs, under section 2269 Revised Statutes of the United States; otherwise the legally authorized representative may do so within sixty days from your notice of this decision.

Should this action not be taken, Mrs. Cowen's entry may stand independent of her husband's pre-emption filing, subject to full compliance with the homestead law.

Notify parties in interest, and advise this office of the action taken at the expiration of sixty days.

Respectfully,

J. A. WILLIAMSON,
Commissioner.

REGISTER and RECEIVER,
Denver, Colo.

JOSIAH D. ADAMS.

A settler on the Osage trust and diminished reserve land, who was residing thereon May 9, 1872, and who afterwards made an entry thereof, held not to have exhausted his right to make a pre-emption entry of the public land.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 4, 1879.

GENTLEMEN: I have received your letter of August 26, 1878, forwarding supplemental affidavit of Josiah D. Adams, in the matter of his cash entry 73, for northeast quarter, 20, 17 south, 18 west.

The records of this office show that Adams filed declaratory statement 114, for northeast fractional quarter of section 6, 33 south, 16 east, Osage diminished reserve lands, June 19, 1871, alleging settlement May 12, 1870. By letter G of April 27, 1875, the east half northeast quarter thereof was canceled, and May 20, 1875, proof and payment was made upon lot 2, and southwest quarter northeast quarter said section, cash entry 6575.

July 27, 1876, Adams filed declaratory statement 259 for northeast quarter 20, 17 south, 18 west, alleging settlement July 25, 1876, and made cash entry 73 for the same, allowed by your office July 31, 1878.

Section 2285 Revised Statutes provides that the restrictions contained in sections 2260 and 2261 said statutes shall not apply to any settler on the Osage trust and diminished reserve lands who was an actual resident on his claim on the 9th of May, 1872. Said section 2285 was compiled from the third section of the act of Congress of May 9, 1872. (17 Stat., p. 96.)

There can be no doubt but that the provisions of the act of 1872 had reference to settlers on the Osage trust and diminished reserve lands at that date who should apply to make payment therefor.

By the first section, same act (section 2283 Revised Statutes), it was provided that said lands should be sold to actual settlers under the general principles of the pre-

emption law. Prior to that time they were not disposed of as public lands (being trustlands opened to settlement under a treaty with the Osage Indians), and the question now presented for discussion is, should the restrictions of section 2261 Revised Statutes apply to a settler on the public land who, on the 9th of May, 1872, was actually residing on his claim on the Osage lands mentioned, and who subsequently entered the same under the provisions of the act of May 9, 1872?

I think not. As before stated these lands are not public lands, and were not disposed of under the public land system prior to May 9, 1872.

Therefore the exceptions from certain restrictions were made in favor of such settlers as were residing on their claims at that date.

Prior to that time parties were allowed to settle upon and purchase these lands who had already exercised the pre-emption privilege on the public land.

On the other hand, settlers having been invited to purchase these lands understood, if they had any information on the subject, that they were not disposed of under the general system governing the sale or entry of public land. Such has been the effect of the decisions of the department under the joint resolution of April 10, 1869 (16 Stat., p. 55), and act of July 15, 1870 (16 Stat., p. 361).

Therefore a settler on the Osage trust and diminished reserve lands, who settled prior to May 9, 1872, but who subsequently made entry thereof, should not be held to have exhausted his pre-emption right. Even were the exception not made as set forth in section 2285 Revised Statutes, I do not see why the prohibition contained in section 2261 should any more apply to a person who had made settlement on the Osage land prior to May 9, 1872, than to one who had made homestead entry on any of the public land.

Cash entry 73 is therefore relieved from suspension and approved for patent.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

REGISTER AND RECEIVER,
Kansas City, Kans.

STATE OF CALIFORNIA *vs.* TUBBS.

The first section of the act of Congress of July 23, 1866, entitled "An act to quiet land titles in California," has no reference to swamp claims.

The fourth section of said act made full provision for the confirmation of all swamp-land claims which Congress thought proper to recognize.

DEPARTMENT OF THE INTERIOR,
Washington, July 15, 1879.

SIR: I have examined the case of State of California *ex rel.* Joseph Kile and R. B. Thompson *vs.* Silas Tubbs, involving title to the south half of southeast quarter and south half of southwest quarter section 11, 4 north, 5 east, Mount Diablo meridian, Stockton district, California, on appeal from your decision of August 7, 1876.

Tubbs claims the former tract under cash entry No. 5366, commuted November 18, 1873, from homestead entry No. 1696, made May 8, 1873, and the latter tract under cash entry No. 5178, dated May 7, 1873, based upon claim of pre-emption settlement in 1862.

The State claim is preferred under section 1 of the act of July 23, 1866, based upon sale of the southeast quarter to Joseph Kile, September 30, 1864, and State patent to same, August 15, 1865; and of the southwest quarter to John Thompson, November 17, 1860, and State patent to Joseph Kile and R. B. Thompson, assignees, June 26, 1862, as part of the swamp grant of September 28, 1850. The regular segregation maps of the State exclude these tracts from the swamp lands. The original United States plat of the township, filed July 1, 1864, represented the land to be swamp, but upon complaint of settlers and allegations of improper conduct on the part of the deputy surveyor, your office on the 10th of May, 1865, ordered the suspension of the plat; and, after full investigation and several hearings, in which the State claimants participated, the land was shown to be dry and fit for cultivation, the improper conduct of the deputy was considered proved, and the plat was corrected so as to exclude the tract from the swamp-land designation.

The land lies along the line of the Central Pacific Railroad, but is excluded from the grant by the decision in *Newhall vs. Sanger*, as a part of the rancho Los Moque-lamos. All these questions have become *res adjudicata* upon the records of your office, and the State claim now rests solely upon the alleged selection and sale, as affected by the first section of the act of 1866.

You found the evidences of the sale satisfactory, and held that she was entitled to a certification of the lands unless a superior right be found in Tubbs by reason of his pre-emption claim, as recognized in the act making confirmation.

Upon the evidence you decided that he had a valid pre-emption right to the south

half of the southwest quarter, and awarded that tract to him under his proof and entry. His claim as a homestead upon the south half of southeast quarter you rejected as initiated subsequent to the act of 1866, and awarded the land to the State. Both parties appeal from so much of the decision as lies against their respective claims. Your findings of fact and the award made by you are in accordance with former rulings and decisions, and were I satisfied with the construction heretofore placed upon the statute of 1866 I should affirm your decision. But a careful examination of the first section of the act convinces me that it has no reference to swamp claims, its manifest office being to confirm sales under selections made in part satisfaction of grants to the State, requiring for such satisfaction the selection of lands from the public domain by the authorities of such State duly appointed under her laws for that duty. The swamp grant of 1850 is not of such class, and the act of 1866, by its fourth section, made full provision for the confirmation of all swamp-land claims which Congress thought proper to recognize. This section is complete in itself, points directly to the subject matter of the swamp grant, and its provisions are exceptionally liberal in aid of every variety of claim which it is conceived can be presented by the State or her purchasers. This being so, the scope of the act relating to swamp lands must be looked for in this fourth section, leaving the first section to its legitimate operation upon lands subject to selection under the grants to be satisfied by such selection, without intermingling the necessarily variant and incongruous provisions pertaining to each.

This view has been judicially declared by the supreme court of the State, in the case of *Sutton vs. Fassett*, 51 California, 12; and as the grantee has thus, through her own highest court, construed the act passed for her benefit, it is perfectly fair for this department, in administering upon her claim, to adopt the same construction, especially when so clearly and reasonably supported by the language of the law itself.

I therefore affirm so much of your decision as recognizes the pre-emption entry of Tubbs upon the south half of the southwest quarter, and reverse the ruling in respect to the right of the State, thus leaving intact the commuted homestead entry upon the south half of the southeast quarter also, and direct that patent issue to Tubbs upon both.

The papers accompanying your letter of January 20, 1877, are returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SHREVES vs. EATON.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 8, 1878.

GENTLEMEN: I have examined the case of *U. S. Shreves vs. Wm. J. Eaton*, involving title to the northeast quarter of section 20, township 10 south, range 7 west.

The records of this office show that U. S. Shreves filed declaratory statement No. 8648 June 14, 1870, upon the south half of southeast quarter, section 20, and north half of northeast quarter, section 29, township 10 south, 7 west, alleging settlement June 11, 1870, and amendatory declaratory statement No. 4491, November 29, 1872, alleging settlement as in previous filing.

William J. Eaton made homestead entry No. 12450, of the northeast quarter, section 20, township 10 south, range 7 west, January 4, 1876.

The record of the case shows that you notified Eaton that on the 9th of June, 1876, said Shreves would appear at your office and offer proof and payment for the land in dispute, and that an opportunity would be afforded him to offer counter proof, showing his right or claim to the land. On the day named the parties appeared with counsel and witnesses.

Shreves alleges that he has been upon the land since December, 1870. He has plowed, cultivated, made valuable improvements thereon, and has made the same his exclusive home from that time to date of offering his proof; that in the year 1874 he had 20 acres of the land cultivated in corn and wheat, and that the crop was wholly destroyed by the grasshoppers during that year, and owing to said loss has been unable to secure the amount of money required to prove up and pay for the land. The foregoing allegations are corroborated by three witnesses.

It is further shown by affidavit of A. J. Woodward and others that Shreves has resided upon the said land for six years last past; that he has a log house thereon, 14 by 18 feet, one story high, with floor, doors, windows, stable, corral, granary, well, 300 fruit trees planted, 30 acres of plowed land, and that he has other valuable improvements upon the land.

Eaton, in his affidavit, sets forth that before he applied to enter the land, he examined the files of the local office, and was informed by the register that there was not

any valid adverse claim to the land. That Shreves had not made any application for an extension of time within which to prove up under his declaratory statement No. 4491; that he thereupon made a homestead entry of the land; and that at the time he made the entry there was no person living thereon entitled to the rights of the pre-emption law. No further proof or testimony is offered by Eaton. His counsel asks a dismissal of the case upon the grounds, 1st, that Shreves did not offer his proof and payment for the land within the time as prescribed by law; and, 2d, that he did not apply to the local officers for an extension of time within which to do so.

As to the first point, the filing of Shreves was made November 29, 1872, settlement alleged June 11, 1870, unoffered land; his time thereunder for making final proof and payment expired in March, 1873. However, his settlement continued, and at the time his crops were destroyed by the grasshoppers, viz, in the year 1874, no adverse claim appeared of record, and by the act of December 28, 1874, entitled "An act for the relief of certain settlers on the public lands," his time within which to make proof and payment was extended to July 1, 1876.

Section 2267 of the Revised Statutes (acts of July 14, 1870, and March 3, 1871) provides that all pre-emption settlers under sections 2265 and 2266 "shall make the proper proof and payment for the lands claimed" within thirty months from the date prescribed for the filing of their declaratory statements.

Under section 2265 a claimant for a tract of land not yet proclaimed for sale is required to make known his claim in writing to the register of the proper land office within three months from date of his settlement, "otherwise his claim shall be forfeited, and the tract awarded to the next settler in the order of time on the same tract of land who has given such notice and otherwise complied with the conditions of law."

There is no penalty prescribed by statute for a failure on the part of the settler to make proof and payment as required by section 2267, and the government does not declare a forfeiture, following the conditions prescribed to sections 2264 and 2265, unless an adverse settler's claim has intervened, or, in other words, unless advantage is taken of the settler's *laches* by some person who makes settlement on the same tract and complies with law.

The United States Supreme Court, in *Johnson vs. Towsley* (13 Wallace, 72), held that under the fifth section, act of 3d March, 1843, the forfeiture was only declared where a subsequent settler has complied with law, and that therefore a declaratory statement for such land is valid if made at any time before another commences a settlement or files a declaratory statement.

By analogy the same principle applies to a settler who fails to make his proof and payment for unoffered land within thirty months from the time when he should have filed his declaratory statement.

In the case under consideration no adverse claim intervened for several years after the party's filing might have been forfeited to another settler, and in the mean time a remedial act was passed which would extend the right of all lawful pre-emption settlers falling within its terms.

As before stated, the act of December 28, 1874, extended the time for proof and payment to July 1, 1876, and Shreves made his tender prior to that date.

As to the second point, the circulars issued by this office dated January 5 and May 11, 1875, embracing instructions to the local land offices under said act of December 28, 1874, do not contain any paragraph wherein a pre-emptor is *compelled* to file a written notice with the local officers claiming an extension of time under said act, but prescribe regulations as to the proof to be presented of the destruction of crops, &c. They do not require that notice be given in advance of making final proof and payment, nor is this contemplated in the act itself. Circular of May 11, 1875, reads: " * * * Those whose crops were destroyed or seriously injured in 1874, * * * this class of pre-emptors *should* file written notice claiming the extension. * * *"

In view of all the facts presented in the case, I am of opinion that Shreves has fully and faithfully complied with all the requirements of the pre-emption laws as to residence upon and cultivation and improvement of the land, and he should be allowed to complete his entry.

The homestead entry of Eaton is held for cancellation.

Notify parties in interest of this action and allow sixty days for appeal.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

REGISTER AND RECEIVER,
Concordia, Kans.

SELBY CASE.

DEPARTMENT OF THE INTERIOR,
Washington, May 3, 1879.

SIR: I have considered the case of George C. B. Selby *vs.* The State of California,

involving the southwest quarter of section 17, township 2 south, range 13 west, S. B. M., Los Angeles, California.

This case has been under consideration in various forms for a number of years, and all the facts connected therewith are well known to the parties in interest and to this department.

In my decision, dated August 7, 1877, in the case of David Foster (Copp's Land Owner, vol. 5, p. 5), it was held that the survey of the public lands in said township 2 south, 13 west, became final when the plat thereof was filed in the local office April 22, 1868, and that said lands were subject to selection by the State as indemnity at that time.

The tract claimed by Foster was selected by the State in lieu of land lost in the private grant known as the "Rancho El Sobrante de San Jacinto," patented October 26, 1867.

The tract in question claimed by Selby was selected by the State April 22, 1868, in lieu of land alleged to have been lost in place on account of its location within the limits of the private grant "San Jacinto Nuevo," not yet patented; hence there has been no official adjudication that the land has been lost in place.

Adopting the rule announced in the Foster case relative to the *status* of the land at the date of selection, the fact remains that said selection was premature and invalid. It was, however, approved to the State by the head of the land department November 24, 1871.

Since the decisions of this department, dated March 10 and August 18, 1876, in this case, an act of Congress, affecting the claim in question, has been passed, and important decisions, affecting the principles involved, have been rendered by the Supreme Court of the United States.

The provisions of this act of Congress and the decisions of the court must be followed in disposing of the questions now presented. Selby asserts a claim to a tract of land under the pre-emption law. Has he a claim that can be recognized by this department?

As before stated, the tract in question was approved and certified to the State of California in the year 1871 by the head of the land department. This approval and certification has the same force and effect, and is equivalent to a patent, which "is the highest evidence of title," and is conclusive as against the government and all claiming under junior patents or titles, until it is set aside or annulled by some judicial tribunal." (2 Wall., 525.)

In the case of Moore *vs.* Robbins (6 Otto, 530), decided at the October term, 1877, the Supreme Court say: "While conceding for the present, to the fullest extent, that when there is a question of contested right between private parties to receive from the United States a patent for any part of the public land, it belongs to the head of the land department to decide that question, it is equally clear that when the patent has been awarded to one of the contestants, and has been issued, delivered, and accepted, all right to control the title or to decide on the right to the title has passed from the Land Office. Not only has it passed from the Land Office, but it has passed from the executive department of the government.

The highest judicial authority of the government has thus, in unmistakable language, announced a rule at once right and just and reasonable for this department to follow in the matter of the disposal of the public domain.

After the title had passed to the State in 1871, no officer of this department had any legal right to take any action looking to a second transfer of title under the pre-emption law. No citizen could, by any act of settlement or otherwise, perfect a title or obtain a vested right to land the title of which had been transferred to the State of California.

As settlement under the pre-emption law merely gives the applicant the preference right to purchase, and as the government has the legal right to dispose of the land as it may choose, prior to the date of proof and payment, when in the absence of a valid adverse claim, and in the absence of illegality, a right vests, it follows that as the title to the land had passed to the State in 1871, Selby acquired no legal or vested right to the land by the tender of proof and payment in 1873, nor by actual proof and payment in 1876.

This proposition cannot be successfully denied, even though it is admitted that the approval to the State in 1871 was illegal. Should approval be annulled by competent authority, and the question become one simply between the settler and the government, the latter might give to the acts of the former that weight and force and effect which justice and sound policy might dictate.

Admitting, as we must, that the approval to the State was illegal, is it the duty of this department to call upon the judicial department of the government to institute proceedings to set aside and annul said transfer of title?

The first and third sections of the act of Congress approved March 1, 1877, are as follows, viz:

"SEC. 1. That the title to the lands certified to the State of California, known as indemnity school selections, which lands were selected in lieu of sixteenth and thirty-

sixth sections, lying within Mexican grants, of which grants the final survey had not been made at the date of such selection by said State, is hereby confirmed to said State in lieu of the sixteenth and thirty-sixth sections, for which the selections were made."

"SEC. 3. That the foregoing confirmation shall not extend to the lands settled upon by any actual settler claiming the right to enter not exceeding the prescribed legal quantity under the homestead or pre-emption laws: *Provided*, That such settlement was made in good faith upon lands not occupied by the settlement or improvement of any other person, and prior to the date of certification of said lands to the State of California by the Department of the Interior: *And provided further*, That the claim of such settler shall be presented to the register and receiver of the district land office, together with the proper proof of his settlement and residence, within twelve months after the passage of this act, under such rules and regulations as may be established by the Commissioner of the General Land Office." (19 Statutes, 267.)

The title to the tract in controversy was thus confirmed to the State, unless it was excepted under the provisions of the third section.

Selby alleges settlement as a pre-emptor in September, 1869. The first question to be considered is, did he settle in good faith upon land not occupied by another?

This is a question of fact.

The land was settled by the State agent and notice thereof filed with the register of the local land office April 22, 1868. The selections, of which this was one, were matters of notoriety. The evidence does not show positively that Selby was aware of such selection at the time he made settlement in September, but two or more witnesses testified that they conversed with him very soon after the settlement when the selections by the State, or the locations of school warrants, were discussed.

In view of all the facts it is difficult to believe that Selby was ignorant of the fact that the land was claimed by the State, or through the State, at the time he settled thereon. It is impossible to reconcile the testimony submitted at the hearing relative to the settlement of Selby.

It appears that for several years prior to 1869 one or two poor Spanish families had occupied the tract, and lived in a house or hut located thereon.

Selby testifies that he purchased the improvements and the right of possession from these parties. On the contrary, Gynacio Quijado testifies positively that he sold to Selby some corn and beans, but did not sell him the hut—nothing but the corn and beans. On his cross-examination Quijado testifies that he and Angel Molino purchased the tract together, and that when he went to Sonora he left Molino in possession.

Leveriano Heredes testifies that Quijado sold to Selby the corn and beans; that Quijado went to Sonora and left another family living in the hut. One day the family went to town, and when they returned the man who had bought the crops (Selby) refused to allow them to enter the house, and the head of the family, Angel Molino, put up a shelter back of the house and remained there several days to see if he could get the man out; but as he did not succeed, he left the place and went to town.

Heredes testifies that he saw the family back of the house, and that Molino told him of the circumstance.

Selby denies that he dispossessed the parties, and asserts that he came into peaceable possession of the premises.

After a careful consideration of the evidence, I am of the opinion that Selby has failed to show that he was ignorant of the claim of the State, or of a claim through the State, at the date of his settlement; he has also failed to show that he came into the possession of the premises in a legitimate manner.

As Selby claims under the pre-emption law, he must show that he made a *bona-fide* settlement in accordance with the provisions of the third section of the act of March 1, 1877.

The Supreme Court, in the recent cases of *Atherton vs. Fowler et al.* (6 Otto, 513), and in the case of *Hosmer vs. Wallace*, decided at the present term, have in unmistakable language expressed the opinion that a party cannot initiate a valid pre-emption claim by a trespass or an intrusion upon the claim of another. It is not essential that the adverse possession must have been a valid one under some statute for the disposal of the public lands.

In view of the decisions above cited, I am of the opinion that if Selby had knowledge of the fact that the tract was claimed under a location by the State he could not have made a settlement in "good faith" as contemplated in the act of 1877.

I am forced to the conclusion that he must have been aware of that fact. Neither do I think that the evidence establishes the fact that he made his settlement in good faith, so far as the transaction with the former occupants of the land is involved.

If Selby has a claim capable of being perfected under the pre-emption law, it can only be done after the title, now in the State, has been annulled.

To attempt to annul the transfer of title, once made by the government, is a grave proceeding, and should never be undertaken except to vindicate the honor or to protect the interest of the government, or to defend and protect the rights of a citizen.

In view of the facts, as presented before me, I do not think that it is my duty to

request the Attorney-General to institute proceedings to set aside the approval to the State made in 1871.

If the testimony of the witnesses given at the hearing is true, I do not think an action to set aside the approval could be successfully maintained; and with this belief, to recommend such an action would be a violation of official duty.

I am, therefore, of the opinion that the cash entry of Selby was erroneously allowed, and that the same must be canceled and the approval to the State must remain intact.

The papers in the case are herewith returned.

Very respectfully,

A. BELL,
Acting Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

CITY OF GRANTSVILLE *vs.* MCBRIDE.

- 1, The provisions of the act of March 3, 1877, extend only to persons who had, in good faith, made entries upon lands not known at the time when made to be within the corporate limits of a town. Neither do they apply where the lands entered were not unoccupied, unused lands.
- 2, A patent executed but not actually delivered does not pass the title from the government. On the contrary, to deliver a patent erroneously executed would consummate that which, at its inception, was error and mistake.

DEPARTMENT OF THE INTERIOR,
Washington, October 1, 1879.

SIR: I have considered the case of the City of Grantsville *vs.* Thomas McBride, involving the south half of northeast quarter, and lots 1 and 2 of section 6, township 3 south, range 5 west, Salt Lake City, Utah, on appeal from your decision of February 7, 1879, holding the homestead entry of McBride upon said tract for cancellation.

The city of Grantsville was incorporated by act of the Territorial legislature of Utah, January 12, 1867, embracing a large tract of land within its limits. Counsel for appellant claim that the act of the Territorial legislature was invalid because it reserved from disposal, under the land laws, a large portion of the public domain.

I cannot concur in this view. Congress did not declare the acts of the legislature creating large corporations invalid until March 3, 1877, when it passed an act limiting the quantity of land to be included within the limits of a corporation to the maximum area which may be entered as a town site under existing laws. It follows that at the date of McBride's entry, May 31, 1869, the land was not subject to appropriation by him, as it was within the limits of an incorporated town.

The second section of the act of March 3, 1877, confirms certain entries. Its terms are as follows, viz:

"SEC. 2. That where entries have been heretofore allowed upon lands afterward ascertained to have been embraced in the corporate limits of any town, but which entries are or shall be shown, to the satisfaction of the Commissioner of the General Land Office, to include only vacant, unoccupied lands of the United States, not settled upon or used for municipal purposes, nor devoted to any public use of such town, said entries, if regular in all respects, are hereby confirmed, and may be carried into patent: *Provided*, That this confirmation shall not operate to restrict the entry of any town site to a smaller area than the maximum quantity of land which, by reason of present population, it may be entitled to enter under section twenty-three hundred and eighty-nine of the Revised Statutes."

Is the entry of McBride thus confirmed?

At its date McBride knew that the tract in question was within the corporate limits of the town; a year previous to that date he had recognized the authority of the town officers by leasing or purchasing a portion of said tract from them. It cannot, therefore, be said that the land entered was afterwards ascertained to have been embraced in the corporate limits of any town. I am of the opinion that the confirmatory act was for the benefit only of parties who had made entries in good faith upon lands not known, at the date of said entries, to be within the corporate limits of a town. It has not been shown that, at the date of said entry, nor of the passage of the confirmatory act, the entry in question included only vacant, unoccupied lands of the United States, not settled upon or used for municipal purposes. On the contrary, it appears that a year prior to the date of entry the tract was surveyed and platted into town lots and blocks, and was subject to disposal by the town authorities; that for years prior to the passage of the act of 1877 the town authorities had sold such lots, and that various parties were residing, and had been for some time residing upon different lots, and cultivating and improving the same. Of the tract claimed, only about 15 acres are, or have been, in the actual possession of McBride, and he resides upon said lot.

It is no doubt true that the actual value of municipal improvements upon the land in dispute is very small, but the law fixes no standard of valuation for such improve-

ments. The tract in dispute, at the date of the passage of the confirmatory act, was under the control of the municipal authorities. Various parties were improving and cultivating the same under authority derived from said officers, and others had settled upon the land, and were residing thereon.

In view of all the facts in the case, I am of the opinion that the entry of McBride was not confirmed by the second section of the act of March 3, 1877. His settlement prior to the date of his homestead entry cannot be recognized as conferring upon him any rights under the homestead law.

It appears that a patent for the land in question was prepared and executed to McBride September 26, 1877, but has never been delivered, and is now within the control of your office. It is argued by counsel for appellant that by means of said patent the title of the United States to the land has been transferred to McBride, and that this department has no further jurisdiction in the case. I cannot concur in this view. The patent was erroneously executed, according to the finding of the officers of the land department. To deliver it would be to consummate what at its inception was an error and mistake.

In the decision of the case of the Central Branch Union Pacific Railroad Company *vs.* the Kansas Pacific Railroad Company (Copp's Land Owner, vol. 5, p. 147), it was held, after a citation of authorities bearing upon the subject, that delivery to and *acceptance* by the grantee of a patent were essential to the transfer of title; and further, that while the patent was undelivered, and still under the control of the head of the land department, the same could be canceled if, upon investigation, it was found that such action was demanded by the public interests and a due regard for the proper execution of the laws.

I see no good reason why the views then expressed should be changed; on the contrary, a further examination of the authorities satisfies me that the conclusions then reached are correct.

Your decision is therefore affirmed.

In this connection your attention is called to the provisions of section 3 of the act of March 3, 1877, above cited; and you are hereby instructed to take immediate action to carry the same into effect.

The papers in the case are herewith transmitted:

Very respectfully,

A. BELL,
Acting Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

REVIEW OF THE FOREGOING DECISION.

1. The power of States and Territories to incorporate towns upon the public lands is conceded by Congress.
2. It does not follow that because the lands within the limits of an incorporated town are not subject to pre-emption or homestead entry that such lands are subject to appropriation by the town under the town-site laws of the United States.

DEPARTMENT OF THE INTERIOR,
Washington, October 8, 1879.

SIR: I am in receipt of an application by counsel for Thomas McBride for a review of the departmental decision of the 1st instant, in the case of the City of Grantsville *vs.* said McBride.

It is alleged that error existed in the conclusions reached in said decision; and in support of the application the same points and arguments, with some elaboration, are presented which were before the department in the first instance.

It is alleged that there was error in not holding that the act of the legislature of Utah, including within the corporate limits of Grantsville an area of land greater than the law permits to be taken as a town site, was an interference with the primary disposal of the public land, and was therefore in violation of the sixth section of the act of Congress organizing the Territory of Utah. (9 Statutes, 453.)

The city of Grantsville was incorporated by the Territorial legislature, January 12, 1867. The homestead entry of McBride was made May 31, 1869, under the provisions of the act of Congress approved May 20, 1862, which permits a tract of land subject to pre-emption to be entered as a homestead.

By law the greater portion of the public lands of the United States are subject to pre-emption. Certain portions are not thus subject to disposal, among which are "lands included within the limits of any incorporated town, or selected as the site of a city or town." (Section 2258, Rev. Stats.) It follows that, if the tract in dispute was within the incorporated limits of Grantsville, it was not subject to the homestead entry of McBride, and the same was invalid. The power of States and Territories to incorporate cities and towns located on the public lands has never been denied. "It has always been exercised by them exclusively of the Federal Government. Indeed, the legislation of Congress concedes the power." (1 Woolworth, C. C. Rep., 359.) In the

organic act establishing the Territory of Nebraska, the same words of limitation of power as to the disposal of public land are used as in the sixth section of the act before cited. In the case cited, in discussing this clause, the court say: "The clause in the organic act was intended to forbid the Territorial legislature passing any law to dispose of the public lands as if on its own authority, or intermeddling with the mode by which the general government should dispose of them, or assuming any authority or jurisdiction in respect to that business. It was not intended to deny authority to pass a law which the Territory alone could intelligently enact." The sixth section of the organic act of Utah provides that all the acts of the legislature and governor shall be submitted to Congress, and, if disapproved, "shall be null and of no effect."

A Territorial government is a creature of Congress; hence, in creating such a government, that body could properly retain in itself the power to annul an act of its legislature.

On this point the Supreme Court of the United States say: "It seems to us that the control of these Territorial governments properly appertains to that branch of the government which creates and can change or modify them to meet its views of public policy, viz, the Congress of the United States;" and again, "Congress, in creating the Territorial governments, and in conferring upon them powers of general legislation, did not, from obvious principles of policy and necessity, ordain a suspension of all acts proceeding from those powers until expressly sanctioned by themselves, whilst for considerations equally strong they reserved the power of disapproving or annulling such acts of Territorial legislation as might be deemed detrimental." (*Miners' Bank vs. State of Iowa*, 12 How., p. 1.)

This department is not created a tribunal to pass upon the validity of the act of a Territorial legislature. That power is reserved to Congress. The act incorporating Grantsville was passed by the Territorial legislature in accordance with the power conferred by Congress, and must be considered in force until the same power pronounces it invalid and of no effect. It does not follow from this that all the land embraced within the limits of a corporation can be entered as a town site under the laws of the United States. The act of incorporation neither abrogates nor enlarges the town site act; it simply creates a corporation, including certain lands; but, as Mr. Justice Miller so clearly states in the case in *1 Woolworth*, above cited, such incorporation cannot be considered an interference with the primary disposal of the public lands.

I do not think there was error in holding that the entry of McBride was invalid for the reason that it was made upon land included within the limits of an incorporated town.

It is urged by counsel that McBride was protected by his settlement made prior to the act of incorporation. It is a well established principle that no right under the homestead law can be initiated by settlement prior to date of actual entry, except a right which may have accrued under the pre-emption law. He, however, asserts no claim under the pre-emption law. A new settlement would give him no right in the absence of proper qualifications, and an intention to claim under that law, and a compliance with the requirements of the statute necessary to protect and perfect his claim. (*Weber vs. Western Pacific Railroad Company*, Copp's Land Owner for May, 1879; *Blodgett vs. California and Oregon Railroad Company*, *id.* for June, 1879; *Serrano vs. Southern Pacific Railroad Company*, *id.* for September, 1879.) He has shown no such compliance. Had he asserted a claim under the pre-emption law, other questions would have been presented which it is not necessary nor legitimate to consider in the case now before me. He elected under which law he would claim, and his rights must be determined under that law.

I will not discuss the question of the effect of the patent erroneously prepared, further than to reaffirm the position of this department, which, in my opinion, is clearly founded upon the decisions of the Supreme Court, that "when a patent has been awarded to one of the contestants, and has been issued, delivered, and accepted, all right to control the title, or to decide on the right to the title, has passed from the Land Office. And the title does so pass in every instance when, under the decisions of the officers having authority in the matter, a conveyance, generally called a patent, has been signed by the President, and sealed and delivered to and accepted by the grantee." (6 Otto, 530.) The erroneous preparation of a patent does not transfer the title of the United States in lands to one not entitled thereto. Where one is illegally claiming land, he can only obtain a title to the same by the delivery to and acceptance by him of the patent; when that is done, and only then, will this department relinquish its right to protect the interest of the government against an illegal claimant of the public domain.

It is claimed that the tract in dispute cannot be entered as a part of the town-site of Grantsville. That question is not now before me. When an application for a patent is presented by the proper authorities of the town, it must be determined upon its merits according to the law in the case. Should the tract in question be excluded, the present action of the department will in no wise prejudice the right of McBride to

obtain, under the laws of the United States, title to the legal subdivision upon which his improvements are placed, and which has been in his possession. But he should not be permitted to appropriate the property of others.

You are instructed to at once call upon the town authorities to make their selection, and should they fail to do so within the time provided by law, you will proceed as directed in the third section of the act of March 3, 1877.

The application to modify and recall the departmental decision of the 1st instant is denied.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

Homesteads.

The entries under the homestead laws during the fiscal year ending on the 30th of June, 1879, reach the amount of 5,260,111.29 acres, being an increase over the preceding year of 841,766.37 acres, and greater by 588,779.15 acres than the greatest amount heretofore entered in any fiscal year, which was in that ending June 30, 1872. Forty-three thousand and seventy-eight entries were made, averaging about 122 acres each, being an increase of 5,764 entries over the previous year, when 37,314 entries were made, averaging about 118 acres each.

In Kansas, 519,675.45 acres; Nebraska, 296,258.82 acres; Dakota, 128,219.28 acres; and Minnesota, 70,717.75 acres were entered in excess of the amount entered during the previous year in said States and Territory.

Of soldiers' additional homestead claims, arising under section 2306 of the Revised Statutes of the United States, there were filed during the the fiscal year 1,868, of which 1,042 were approved and certified, 270 are suspended, and 556 have been rejected.

Congress at its last session passed an act materially modifying the homestead law as to the *quality* of land that may be entered, substantially doing away in this class of entries with the distinction between ordinary minimum and double minimum lands or lands held at \$1.25 per acre and lands held at \$2.50 per acre.

The following is the act referred to:

AN ACT to grant additional rights to homestead settlers on public lands within railroad limits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the even sections within the limits of any grant of public lands to any railroad company, or to any military road company, or to any State in aid of any railroad or military road, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler, and any person who has, under existing laws, taken a homestead on any even section within the limits of any railroad or military road land grant, and who, by existing laws, shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made. And any person so making additional entry of eighty acres, or new entry after the surrender and cancellation of his original entry, shall be permitted so to do without payment of fees and commissions; and the residence and cultivation of such person upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law: *Provided*, That in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon; and cultivated the land embraced therein at least one year.

Approved March 3, 1879.

The above act only applied to double minimum land lying in *even* sections within the limits of any grant to any railroad company, or to any military road company. The following act was passed extending the same provisions of law to double minimum land lying in *odd* sections within railroad limits in the States of Missouri and Arkansas.

Both acts are inoperative (except in Missouri and Arkansas) in any case where the even sections are granted, the odd being reserved, and the price increased to \$2.50 per acre, as in Alabama and Mississippi:

AN ACT to grant additional rights to homestead settlers on public lands within railroad limits in the States of Missouri and Arkansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the odd sections within the limits of any grant of public lands to any railroad company in the States of Missouri and Arkansas, or to such States respectively, in aid of any railroad where the even sections have been granted to and received by any railroad company, or by such States respectively, in aid of any railroad, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler; and any person who has under existing laws taken a homestead on any section within the limits of any railroad grant in said States, and who, by existing laws, shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made. And any person so making additional entry of eighty acres, or new entry after the cancellation of his original entry, shall be permitted to do so without payment of fees or commissions; and the residence of such person upon and cultivation of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law: *Provided*, That in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year.

Approved July 1, 1879.

It will be observed, as indicated in the following circulars issued by this office on the subject, that additional entries under the acts in question can only be made by persons who, prior to its passage, had taken homesteads within the limits of certain grants, and who, by then existing laws, had been *restricted* to 80 acres; therefore any person who served as a soldier or sailor in the Army or Navy of the United States during the late civil war would not be entitled to the privileges conferred by these acts, as the class of persons who thus served, and were honorably discharged, were *not restricted* to 80 acres under the previously existing laws.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,

March 24, 1879.

Registers and Receivers of United States district land offices:

GENTLEMEN: I have to call attention to the provisions of the act of Congress entitled "An act to grant additional rights to homestead settlers on public lands within railroad limits," approved March 3, 1879.

First. That act provides that from and after its passage "the *even* sections within the limits of any grant of public lands to any railroad company, or to any military road company, or to any State in aid of any railroad or military road, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler," thus doing away in this class of entries with the distinction between ordinary minimum and double minimum lands, or lands held at \$1.25 per acre and lands held at \$2.50 per acre, which had existed under section 2289 of the Revised Statutes of the United States, so far as the double minimum lands may be found in *even* sections within the limits of land grants for railroads or military roads. But Congress has not seen proper to extend this provision of the act so far as to embrace any double minimum lands which may be found in *odd* numbered sections or in the limits of grants for any other description of public works. It must be held to be inoperative in any case where the *even* sections are granted and not reserved.

You will observe the change in the law, as above noted, in future proceedings respecting entries under said section 2289 of the Revised Statutes; observing, however, that the commissions are in all cases to be computed on the *cash price* of the land under the third and twelfth subdivisions of section 2238.

Second. The act further provides that "any person who has under existing laws taken a homestead on any even section within the limits of any railroad or military road land grant, and who by existing laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry," without

payment of fees and commissions, and that "the residence and cultivation of such person upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional entry, and shall be deducted from the five years' residence required by law," with the proviso, however, that in no case shall patent issue "until the person has actually and in conformity with the homestead laws, occupied, resided upon, and cultivated the land" embraced in his additional entry "at least one year."

Upon any party proposing to enter an additional tract under these provisions you will require him to make homestead application and affidavit according to annexed forms, Nos. 1 and 2. You will then, if you find his original entry to be *intact* on your records, whether patented or not, and if no objection appears in any respect, allow the entry applied for, note the same on your records, giving it the proper number in the regular homestead series, and report it with your monthly homestead returns, indicating its character as an additional entry under said act on the margin of your monthly abstracts, with a reference to the original entry by its number and the description of the land. The money columns in the abstracts will of course be left blank, since there will be no fees and commissions paid.

In this class of entries the party, if still resident on the original entry tract, will not be required to remove therefrom to the additional entry tract in order to make a new residence on the latter, as the two forming one body of land, residence on either will be regarded as satisfying the legal requirement; but in making final proof on the additional entry the party must show such residence, with occupancy and cultivation of the tract taken as additional under said act, for five years from the date of entry thereof, less the time to be deducted on account of residence and cultivation on the original entry, which shall not exceed four years in any case.

Third. The act further provides that should the person so elect he may, instead of making an additional entry, "surrender his existing entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made," with the same provisions as regards fees and commissions not being required, and requiring settlement and cultivation, occupation and residence, as have been already stated with regard to additional entries. In case of any party electing to surrender his entry under this act you will receive his relinquishment, which shall specify for what purpose made, and be accompanied by the duplicate receipt issued for the relinquished entry, or by a statement, under oath, showing a good reason for its absence, report the case in a special letter to this office, and await instructions before proceeding further in the matter. Existing regulations will be observed as to the manner of executing relinquishments.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

[No. 1.]

HOMESTEAD.

Application No. —.

LAND OFFICE AT —, —,
(Date) —, 187—.

I, —, of —, do hereby apply to enter, under the act of March 3, 1879, the — of section —, in township —, of range —, containing — acres, as additional to my entry No. —, for the — of —, section —, in township — of range —.

LAND OFFICE AT —, —,
(Date) —, 187—.

I, —, register of the land office, do hereby certify that the above application is for surveyed lands of the class which the applicant is legally entitled to enter under the act of March 3, 1879, and that there is no prior valid adverse right to the same.

—, Register.

[No. 2.]

HOMESTEAD.

Affidavit.

LAND OFFICE AT —, —,
(Date) —, 187—.

I, —, of —, having filed my application, No. —, for an entry under the act of March 3, 1879, do solemnly swear that [here state whether the applicant is the

head of a family, or over twenty-one years of age; whether a citizen of the United States, or has filed his declaration of intention of becoming such; or, if under twenty-one years of age, that he has served not less than fourteen days in the Army or Navy of the United States during actual war; that said application No. — is made for his or her exclusive benefit; and that said entry is made for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever,] and that I have not heretofore had the benefit of said act.

Sworn to and subscribed this — day of —, before

Register [or Receiver].

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 21, 1879.

To Registers and Receivers of United States land offices:

GENTLEMEN: You will require persons applying for the benefit of the act of Congress of March 3, 1879, granting additional rights to homestead settlers on public lands within railroad limits to state under oath that they did not serve for a period of ninety days in either the military or naval service of the United States during the war of the rebellion. This act was intended to benefit homestead settlers who were restricted by law at the time of making their original entries to 80 acres, consequently persons who were not so restricted are not entitled to the benefits of said act.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 20, 1879.

To Registers and Receivers of United States land offices:

GENTLEMEN: In addition to instructions heretofore given for carrying into effect the acts of Congress of March 3, 1879, and July 1, 1879, having reference to cases of persons who at the dates of the respective acts had taken homesteads within the limits of railroad or military road land grants as indicated therein, and been restricted by existing laws to eighty acres, and providing that such persons may make additional entries of adjoining land, if any be subject to entry, or relinquish their existing entries and make new entries, as if the surrendered entries had not been made, I have to direct that you require parties applying for the benefit of said acts, either by making additional entries or by relinquishing their old, for the purpose of making new entries, to submit proof which shall set forth the particulars of their existing entries, and of their compliance with the legal requirements regarding the same, as prescribed in homestead final proof, according to forms No. 31 and 32 in circular of September 1, 1879. This requirement is found necessary to ascertain the *status* of the original entry at the date of application for the benefit of the said acts, and also the credit for residence and cultivation to which the party who made the same may be entitled, according to their provisions, in perfecting his title under the additional or new entry to be allowed, without waiting the arrival of the time when final proof on the latter is to be made—a time with respect to which the statutory provisions are more or less indefinite. With reference, however, to cases in which final proof on the original entries has been made and the certificates issued, the requirement of proof as herein directed may be omitted, and in lieu thereof a reference made in reporting the case to the certificate issued, giving its number and date, so that it may be identified on the records of this office.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

Under a recent act of Congress, any settler desiring to make final proof must file with the register of the proper land office a notice of his intention to do so. Such notice must describe the land claimed and give names and residences of the witnesses by whom the necessary facts as to settlement, residence, cultivation, &c., are to be established. Provision is also made for the publication of said notice. The act referred to and circular issued thereunder, of April 15, 1879, are here given, viz:

AN ACT to provide additional regulations for homestead and pre-emption entries of public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for pre-emption or homestead entries, such person shall file with the register of the proper land office a notice of his or her intention to make such proof, stating therein the description of lands to be entered, and the names of the witnesses by whom the necessary facts will be established. Upon the filing of such notice the register shall publish a notice, that such application has been made, once a week for the period of thirty days, in a newspaper to be by him designated as published nearest to such land, and he shall also post such notice in some conspicuous place in his office for the same period. Such notice shall contain the names of the witnesses as stated in the application. At the expiration of said period of thirty days the claimant shall be entitled to make proof in the manner heretofore provided by law. The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions.

Approved March 3, 1879.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 15, 1879.

Registers and Receivers United States district land offices :

GENTLEMEN: Your attention is called to the provisions of the act of Congress entitled "An act to provide additional regulations for homestead and pre-emption entries of public lands," approved March 3, 1879, copy herewith.

Hereafter no person claiming to enter public land under the homestead and pre-emption laws will be permitted to make final proof until notice has been given as required by said act.

Any settler desiring to make final proof must first file with the register of the proper land office a written notice of his intention to make final proof. Such notice must describe the land claimed, and the claimant must give the names and residences of the witnesses by whom the necessary facts as to settlement, residence, cultivation, &c., are to be established. (See Form No. 1.)

The filing of such notice must be accompanied by a deposit of sufficient money to pay the cost of publishing the notice to be given by the register.

Upon the filing of the notice by the applicant, the register shall publish a notice of such application once each week for a period of thirty days, in a newspaper which he shall designate, by an order written on said application, as published nearest the land described in the application, and he shall also post said notice in some conspicuous place in his office for the same period. A compliance with the law will require the notice to be published weekly five times, because four weekly publications would not cover a period of thirty days.

The notice to be given by the register must state that application to make final proof has been filed; the name of the applicant; the kind of entry, whether homestead or pre-emption; a description of the land, and the names and residences of the witnesses as stated in the application. (See Form No. 2.)

To save expense, the register may embrace two or more cases in one publication, when it can be done consistently with the legal requirements of publication, in a newspaper published nearest the land, as per attached Form No. 3.

When proof is filed that notice has been given in the manner and for the time required by said act of Congress, the applicant will be entitled to make final proof as provided by the laws in force at the date of the approval of said act.

The proof that requisite notice has been given will be the certificate of the register that the notice of the application (a copy of which should be annexed to the certificate) was posted by him in a conspicuous place in his office for a period of thirty days, and the affidavit of the publisher or foreman of the newspaper that the notice (a copy of which notice must be annexed to the affidavit) was published in said newspaper once each week for five successive weeks.

The proof of the publication and posting of the notice must be filed and preserved by the register, to be forwarded to this office with the final papers when issued.

The notices, affidavits, certificates, &c., required under said act should, in form, be substantially like the forms hereto appended.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

Reference is made to the following decision relative to publication of notices under the act of March 3, 1879, viz :

A party who is about to make final proof on his homestead entry *may*

himself contract with the publisher of the designated newspaper or deposit with the local officers the money necessary to pay for the publication of the required notice. (Commissioner's letter to register and receiver Le Grand, Oreg., August 1, 1879.)

With the exception of the act below referred to, and which relates to pre-emptions and timber culture entries, as well as to homesteads, there has been no legislation, other than that above noted, regarding homestead on the public lands since the date of the last annual report of this office.

In the first section of the act of Congress of July 1, 1879, entitled "*An act for the relief of settlers on the public lands in districts subject to grasshopper incursions,*" it is provided—

That it shall be lawful for homestead and pre-emption settlers on the public lands, and in all cases where pre-emptions are authorized by law, where crops have been or may be destroyed or seriously injured by grasshoppers, to leave and be absent from said lands, under such rules and regulations, as to proof of the same, as the Commissioner of the General Land Office shall prescribe; but in no case shall such absence extend beyond one year continuously, and during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred.

And in its second section it is provided—

That the time for making final proof and payment by pre-emptors whose crops shall have been destroyed or injured as aforesaid, may, in the discretion of the Commissioner of the General Land Office, be extended for one year after the expiration of the term of absence provided for in the first section of this act; and all the rights and privileges extended by this act to homestead and pre-emption settlers shall apply to and include the settlers under an act entitled "*An act to encourage the growth of timber on western prairies,*" approved March third, eighteen hundred and seventy-three, and the acts amendatory thereof.

The proof required in the first section of said act may consist of the affidavit of the claimant, giving the particulars of the alleged destruction or serious injury of crops by grasshoppers, and the affidavits of two or more witnesses corroborative thereof should be submitted at time of making final proof through the register and receiver of the proper district land office. The particulars given should be such as to admit of a decision whether the absence was justified by law or not, and should of course indicate at what time the party left the land and when he resumed his settlement.

Written notice of intended absence, signed by the party, should be filed with the register and receiver when he leaves his claim, and be noted on the tract books; this for the protection of the claimant and as notice to those who might otherwise make settlement and attempt to obtain title.

Claimants desiring the extension of time provided for in the second section of said act may apply therefor through the same officers, the application to be supported by the same character of proof. The affidavits required in cases under said act, as before indicated, may be made before any officer using a seal and authorized to administer oaths, or before the register or receiver of the district land office.

Under the original homestead act of May 20, 1862, homestead entries were allowed to the extent of 160 acres of minimum land, but were restricted to half that quantity, or 80 acres, of double minimum land. (See section 2289, Revised Statutes of the United States.)

The act of June 21, 1866, restricting the disposal of unappropriated public lands in the five Southern States named therein, to wit, Florida, Alabama, Mississippi, Louisiana, and Arkansas, to homestead entries only, also contained a provision that until the expiration of two years

from and after the passage of the act no entry should be made for more than 80 acres. This therefore had the effect of limiting homestead entries to 80 acres of minimum land for the period of two years, they having been already restricted by the original act of May 20, 1862, to a like quantity of double minimum land.

Section 25 of the act of July 15, 1870, re-enacted by the act of June 8, 1872, and carried into the Revised Statutes (see section 2304), removed the restriction so far as to allow officers, marines, soldiers, and sailors who are properly qualified under its provisions to enter 160 acres of double minimum land. The acts of March 3 and July 1, 1879, opened to settlers under the homestead laws the double minimum lands in the United States subject to homestead entry, to the extent of 160 acres to each settler, except the odd numbered sections within the six mile limits of the Mobile and Ohio Railroad in Alabama, and the odd numbered sections within the same limits of the several railroads in Mississippi.

It will be seen, therefore, that under existing statutes any qualified person can enter 160 acres of any of the vacant unappropriated public lands subject to homestead entry in the United States, with the above exceptions in Alabama and Mississippi, and further, that any *bona fide* settler who had been restricted to 80 acres of land in limits of railroad or military road land grants, being double minimum land, may enter a sufficient quantity additional to make up 160 acres; but there is no provision of law which relieves those homestead settlers who during the operation of the two year restricting clause in the act of June 21, 1866, made homestead entries of 80 acres *outside* of railroad limits of minimum land.

In view of the injustice of such discrimination, and for the sake of uniformity, I would respectfully recommend that the provisions of the acts of March 3 and July 1, 1879, be extended in such a manner as to allow those parties who made entries outside of railroad limits and who were restricted to 80 acres to enter additional land to make up the 160 acres; and also that the provisions of said acts be extended to Alabama and Mississippi.

The following is presented as a comparative statement of the disposals of public lands for cash and under the homestead and timber culture acts, and locations of agricultural college scrip, for the fiscal years ending June 30, 1875, June 30, 1876, June 30, 1877, June 30, 1878, and June 30, 1879, respectively:

	Cash.	Homestead and timber culture.	Agricultural college scrip.	Total.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
1875.....	745,061.30	2,820,927.84	9,432.02	3,575,421.16
1876.....	640,691.87	3,483,894.64	2,320.00	4,126,906.51
1877.....	740,686.57	2,698,771.56	1,280.00	3,440,738.13
1878.....	877,555.14	6,288,779.10	640.00	7,166,974.24
1879.....	622,573.96	8,026,685.22	960.00	8,650,219.18

Reference is made to the following decisions affecting homestead rights rendered since the date of the last annual report of this office:

1. The homestead entry of a party who, although he acted in good faith, failed to establish permanent and exclusive residence on the tract until three and one-half years after date of entry, should be held in abeyance until five years from the date of permanent settlement, and his case submitted to the board of equitable adjudication.—(Acting Commis-

sioner's letter to register and receiver at Eau Claire, Wis., of September 3, 1878, case of Thorson Olsen.)

2. Where a deceased homestead claimant left a widow from whom he had been separated by written articles of agreement, it was decided that such widow was the proper party to make final proof, notwithstanding the fact that the deceased claimant willed all his estate, both real and personal, to his brother.—(Commissioner's letter to register and receiver at Salina, Kansas, of October 2, 1878, case of John Rhoades.)

3. In a case where a party applied to enter as a homestead a tract of land in California, settled upon by him prior to the survey thereof, and which was found after survey to be a part of section 16, granted to the State for common schools, it was held that the construction given sections 6 and 7, act of March 3, 1853, by the United States Supreme Court, is that where settlement and improvement are found to exist on a school section at the time of survey, and properly proven, the right of the State to the land is gone and she is entitled to select other land in lieu thereof, but where the settler, being under no obligation to assert his claim, abandons it, the title of the State at once becomes absolute, as of the date of the survey, and the land is not left to be operated on by other acts of Congress. By the abandonment referred to is meant the settler's failure to assert his claim within a reasonable time by filing the usual notice thereof, or by failure to make proof and payment thereafter within the time prescribed by the statute. All such claims must be asserted under the *pre-emption* law and not under the homestead law.—(Commissioner's letter to register and receiver at Sacramento, Cal., October 18, 1878, case of Mette *vs.* State of California.)

4. A party having made an entry under the homestead law died intestate, before making final proof, leaving adult heirs: *Held*, that an administrator of the estate of the deceased should not be allowed to relinquish the homestead entry, but that a relinquishment to be accepted must be made by each and every one of the heirs.—(Commissioner's letter to register and receiver, San Francisco, Cal., December 8, 1877, affirmed by Secretary of the Interior November 6, 1878.)

5. The duly appointed guardian of the minor orphan children of a United States soldier who served for not less than ninety days in the Army during the rebellion may enter a homestead of 160 acres for the benefit of said minors, and the time of the father's service, or the whole term of his enlistment (not to exceed four years), if he were killed or discharged for disability incurred in the line of duty, shall be deducted from the period of residence. The guardian or minors must cultivate the entered tract for at least one year.—(Commissioner's letter of November 9, 1878, to E. B. Robison, Smith Centre, Kans.)

6. In a case where a party made a pre-emption filing on certain land, and afterwards becoming *non compos mentis* made a homestead entry of the same land under the act of March 3, 1877, through a guardian, it was ordered that a pre-emption entry be allowed in the name of the incompetent party, upon the pre-emption proof furnished, the guardian to make the application to make such an entry, proffering payment therefor and making the proper pre-emption affidavit. The homestead entry was held for cancellation, the party being incompetent to swear to any *intention*, and the homestead law not providing for the making of a homestead entry by guardian for an adult.—(Commissioner's letter to register and receiver, San Francisco, Cal., November 14, 1878.)

7. It is no part of the duty of the registers and receivers of United States land offices to make out applications for homestead or pre-emp-

tion settlers.—(Commissioner's letter to Thomas C. Shapleigh, Detroit, Minn., December 2, 1878.)

8. The right to make an additional entry under section 2306, Revised Statutes, attaches only in cases where the original entry was made prior to June 22, 1874, and embraced less than 160 acres.—(Commissioner's letter to J. J. Thomas, Parkersville, Kans., December 2, 1878.)

9. A party may make a homestead entry in his own name and receive patent for the land, and, as "one of the heirs," may perfect an entry made by his mother (soldier's widow), and he may apply his father's term of military service upon the settlement required if his mother had not remarried at the date of entry. Patent will issue "for the benefit of the heirs."—(Commissioner's letter to Charles Lee, Otsego Lake, Mich., December 5, 1878.)

10. A party who enters a homestead and attempts to acquire title thereto merely by going upon the land and remaining overnight once or twice in six months fails to establish the residence contemplated by the homestead law, and where it is shown that such failure to comply with the law was not the result of ignorance or of uncontrollable circumstances the entry should be canceled. Such cases as the above should not be submitted to the board of equitable adjudication. Cases going before this board are limited to those in which the *good faith* of the claimant appears unquestionable.—(Secretary's letter of December 5, 1878, case of *Byrne vs. Catlin*.)

11. The claimant's affidavit in soldiers' additional homestead entries under section 2306, Revised Statutes, may be made before a notary public or justice of the peace, where the claim has been *certified* to by the Commissioner of the General Land Office, as this office requires the necessary proof from the clerk of the court of the official capacity of such persons.—(Commissioner's letter to register and receiver, Yankton, Dak., Dec. 7, 1878.)

12. In cases where a homestead settler claims under an act passed subsequent to the swamp land grant of March 12, 1860, as against the State of Oregon, and where said lands have been listed by the State, but the lists have not been approved by the Secretary of the Interior, the State, in order to defeat the settler's right, must show by conclusive evidence that the tract claimed was swamp land at the date of the act of March 12, 1860.—(Secretary's letter of January 6, 1879, case of *Willard vs. State of Oregon*.)

13. In a case where the homestead party died, and his widow was convicted of his murder by poison, for which she was imprisoned in the penitentiary, pursuant to law, under a death sentence, it was decided that the administrator of the deceased party should make the final proof, and patent be issued in the name of his minor children.—(Commissioner's letter to register and receiver, Kirwin, Kans., February 4, 1879.)

14. In the case of a person *serving* in the Regular Army of the United States, who made application to enter a homestead under the provisions of section 2293, Revised Statutes, it was held that section 2293 of the Revised Statutes is practically inoperative and of no benefit to persons enlisted in the Regular Army since the close of the rebellion, inasmuch as it does not remove the restriction of the homestead laws requiring *actual personal residence* on the land, and that section 2308 has reference only to entries made by persons before or after enlistment into the service during the war of the rebellion, and whose rights were sacrificed by reason of their absence in said service; and that section 2308 was not intended to include persons who have served in the Regular Army since

the close of the rebellion, and that such service cannot be construed as equivalent to actual residence on a tract of land.—(Secretary's letter of April 9, 1879, case of General Jeff. C. Davis.)

15. When a foreigner made an entry which was abandoned and canceled, and he subsequently made a second entry, having declared his intention to become a citizen: *Held*, that the second entry should be allowed to stand. In other words, an attempted entry by one who is not qualified under the law must be treated as having no effect upon his legal rights when he becomes qualified to make an entry.—(Secretary's decision, case of Charles Root *vs.* Donald Smith, May 1, 1879.)

Timber culture.

During the last fiscal year entries of public lands have been allowed under the laws for the promotion of timber culture to the extent of 2,766,573.93 acres, which is an increase of 896,139.75 acres over the previous fiscal year. No patents have yet been issued for timber culture entries, nor can any be issued prior to March 13, 1882, as the period of time for which the cultivation of the timber must be kept up as a prerequisite to the issue of a patent will not expire in any case prior to said date, except, perhaps, in some case of a party claiming, as heir or legal representative of a deceased party, the patent for forty acres, under the second section act of March 13, 1874.

Timber culture rulings have been made during the fiscal year as follows:

1. A party having instituted a contest to cancel a timber culture entry for non-compliance with the requirements of the act of March 13, 1874, failed to tender his application to enter the land in question on the date of instituting the contest, for the reason that the register told the complainant *that was not* the proper time to file application, but, as affiant understood, the same should be filed at time of trial of contest: *Held*, where a claimant shows to the satisfaction of the land department that he was purposely misled by the local officer, such claimant's rights should not be prejudiced on that account.—(Secretary's letter of September 17, 1878, case of Wilson *vs.* Morrison and Danford.)

2. In case a *timber culture* entry is abandoned, the land covered by such entry is immediately subject to entry by another party under the timber culture or homestead laws, but the party applying must give the prescribed notice and the adverse party be allowed a hearing as in other contested cases.—(Commissioner's letter to register and receiver Kirwin, Kans., November 1, 1878.)

3. A party made a timber culture entry of a tract of land, as he alleges, under a misunderstanding as to its location, and afterwards found that the tract he had entered was unfit for timber culture. He therefore asked to be allowed to change his entry so as to embrace an entirely different tract. *Held*, that it was incumbent upon the party to ascertain definitely the location, as well as the character of the land, before he entered it, and failing to do this he cannot be allowed to change or relinquish his entry simply because of his negligence, or because the land does not prove to be what he expected.—(Secretary's letter of February 12, 1879, in case of Cornelius Mace.)

4. Where a party made a timber culture entry under the acts of March 3, 1873, and March 13, 1874 (prior to the enactment of the act of June 14, 1878), it was held that the entry might be consummated under the act of June 14, 1878, by showing, when making final proof, that he had growing upon his claim (of 160 acres) 6,750 thrifty trees upon not less

than 10 acres, the last named act being construed as requiring a certain *amount* rather than *the number of acres* of timber.—(Commissioner's letter to O. D. English, Sioux Falls, Dak., February 14, 1879.

5. Where a party failed to break the requisite number of acres, and a contest was instituted, it was held that a *strict* compliance with law must be shown, and that the contestant, in making an application to contest, and at the same time to enter the land in question, must be regarded as an *adverse claimant* whose appearance in the case precludes the sending of it to the Board of Equitable Adjudication for confirmation, even where a substantial compliance with the law may be shown.—(Commissioner's letter of March 4, 1879, to R. & R. Beatrice, Nebraska; *Gemmer vs. Chandler*. Affirmed by Secretary September 29, 1879).

6. The act of Congress approved June 14, 1878, permits persons who made timber culture entries under the provisions of the act of March 3, 1873, and March 13, 1874, to complete the same on compliance with requirements of its terms.—(Secretary's letter of March 17, 1879, case of *Holland vs. Martin*.)

7. In a number of cases where parties applied to make timber culture entries of land located in sections containing trees of various kinds, the applications were rejected upon the ground that there was sufficient timber in the several sections in which the tracts in question were situated to characterize them as timber lands. From this decision the parties appealed, and, upon consideration of the appeal it was held that the word "timber," as used in the act of June 14, 1878, is defined to mean that sort of "wood which is proper for buildings, or for tools, utensils, furniture, carriages, fences, ships, and the like," and that probably the true intention of the act was that the section of land in which an entry was made for the cultivation of timber should be naturally devoid of *timber* trees, such as pine, oak, ash, maple, elm, walnut, hickory, and other timber trees.—(Secretary's letter of September 12, 1879, case of *Nicholas Noel et al.*)

8. The following instructions to registers and receivers were embodied in a circular issued by this office August 21, 1878, viz: Do not allow a timber culture entry except you have satisfactory proof that the section embracing the land claimed is "prairie lands, or land naturally devoid of timber." Never allow a second timber culture entry in a section where there is already an uncanceled timber culture entry of a quarter of the same section. Remember that a party who contests a timber culture entry gains no preference right to enter the land unless he shall, at date of instituting the contest, file with you a written application to enter the tract upon cancellation of the contested entry. Remember that the affidavit required in making a timber culture entry must be acknowledged within the bounds of your land district. Return to the parties all such affidavits acknowledged outside of your district. The honorable Secretary of the Interior, under date of the 26th June, 1878, decided that a person could not change his timber culture entry to a homestead entry.

Desert land entries.

The entries of this class of lands under the desert land act of March 3, 1877, during the fiscal year ending June 30, 1879, reach the number of 530, embracing an aggregate area of 165,996.53 acres, being a decrease as to both the number of entries and aggregate area, as compared with the last fiscal year, of nearly fifty per cent.

Entries were made as follows, viz:

In California, 94 entries calling for 24,066.74 acres; Nevada, 128 en-

tries, 28,244.77 acres; Oregon, 13 entries, 6,115.83 acres; Arizona, 43 entries, 14,777.31 acres; Dakota, 2 entries, 720 acres; Idaho, 18 entries, 4,592.09 acres; Montana, 33 entries, 38,902.54 acres; New Mexico, 25 entries, 6,670.52 acres; Utah, 74 entries, 12,865.25 acres; Washington, 7 entries, 2,440 acres; Wyoming, 93 entries, 26,601.48 acres.

Fort Kearney Military Reservation.

Information was given in the last annual report, page 51, concerning this reservation, which lies partly in the Grand Island and partly in the Bloomington land districts, Nebraska, and which originally embraced a total area of 72,240.47 acres. After subtracting therefrom 3,807.51 acres, the contents of sections 16 and 36 falling to the State under the grant for common schools, there remained 68,432.96 acres, which were to be disposed of to actual settlers according to the provisions of the act of Congress of July 21, 1876 (19 Stats., pp. 94, 95). Of this area, 32,914 acres had been entered at the close of the fiscal year ending June 30, 1878. This left 35,518.96 acres. During the fiscal year ending June 30, 1879, there were entered 7,514.41 acres, and at that date there still remained subject to disposal under the provisions of the act of June 21, 1876, 28,004.55 acres.

Detroit arsenal grounds.

It was stated in the last annual report, page 51, that 122 of the 153 lots into which the Detroit arsenal grounds were subdivided—appraised, with the improvements, at \$50,065—were left unsold. Since that report was written, the sale having been adjourned from time to time, two more lots were sold at their appraised value of \$575, which, after adding two others previously sold (appraised at \$510), but inadvertently omitted from former statements, makes the total number of lots sold 35, and leaves yet to be sold, 118, appraised with improvements at \$48,980.

The district land officers at Detroit, Michigan, report that the appraisement having been made before the late shrinkage in real estate values was fully realized, is found to be too high, and that the remaining lots cannot be readily disposed of at the prices now established. This is also the opinion of the gentlemen who composed the board by which the existing appraisement was made, as shown by a written communication from them.

In view of the fact that the continuance of the public sale in pursuance to the act of Congress of March 3, 1875 (18 Stat., p. 150), is attended with considerable expense, and has comparatively little result in the way of sales, I would respectfully recommend the passage of an act authorizing a reappraisement of the lots and improvements remaining unsold, and providing that, after the same shall have been offered at public sale, at the value thus established, any lots not then disposed of shall be subject to ordinary private entry at the appraised value.

Pawnee Reservation in Nebraska.

As was stated in the last annual report, page 52, the lands embraced in this reservation, comprising 278,837.20 acres, were brought into market at public offering, after survey and appraisement, pursuant to the act of Congress of April 10, 1876 (19 Stat., p. 28), during the period from the 15th to the 19th of July, 1878, both days inclusive, when 13,129.29 acres were sold. This sale left 265,707.91 acres subject to disposal according

to the provisions of that act. After the public offering and during the fiscal year ending June 30, 1879, 17,254.38 acres were disposed of, at prices ranging from \$2.50 to \$6.00 per acre. At the close of the fiscal year, the area remaining subject to sale embraced 248,453.53 acres.

Sac and Fox and Otoe and Missouri Indian Reservations in Kansas and Nebraska.

Portions of the Sac and Fox and of the Otoe and Missouri Indian Reservations in Kansas and Nebraska, embracing 6,398.20 acres of the former, and 119,846.17 acres of the latter, were brought into market for sale to actual settlers only, at the district land office at Beatrice, Nebr., in quantities not exceeding 160 acres, at appraised prices, but subject to the minimum of \$2.50 per acre, under the act of Congress of August 15, 1876 (19 Stat., p. 208), as was stated in the last annual report, page 52, the terms of sale being one-third cash and the remainder in two annual payments, with interest at 6 per cent. During the fiscal year ending June 30, 1878, there were sold of the Sac and Fox lands 3,120.54 acres, and of the Otoe and Missouri lands 25,423.66. The sales were continued during the last fiscal year with the result that of Sac and Fox lands 2,398.14 acres were sold during the year, and of the Otoe and Missouri lands 37,777.20 acres. On the 30th June, 1879, the close of the year, there remained to be sold of the former 879.52 acres; of the latter 56,645.31.

The act of Congress of March 3, 1879 (20 Stat., pp. 471, 472), amends the act of 1876, above mentioned, in some particulars, providing, first, that the lands may be sold "to actual settlers or persons who shall make oath before the register or receiver of the land office at Beatrice, Nebr., that they intend to occupy the land for authority to purchase which they make application, and who shall within three months from the date of such application make a permanent settlement upon the same;" second, that fractional tracts containing a small area in excess of 160 acres may be entered; and, third, that the Secretary of the Interior may, in his discretion, allow additional time for making the deferred payments, not exceeding one year on each payment. Proper instructions have been issued to the district land officers for giving effect to these amendments.

Indian lands in Kansas.

In the annual report of this office for the fiscal year ending June 30, 1876, on pages 20 to 23 inclusive, and in the report for the fiscal year ending June 30, 1878, on pages 52, 53, and 141 to 144 inclusive, will be found a history of the various Indian lands in the State of Kansas.

Nothing has been done during the fiscal year ending June 30, 1879, relative to the "New York Indian Lands," the "Miami Lands," or the "Shawnee Absentee Lands," except in case of the latter, one entry of 80 acres having been allowed under the decision of the Acting Secretary of the Interior, of September 11, 1873, by a party who showed settlement and cultivation prior to the passage of the joint resolution of April 7, 1869. With regard to the said Shawnee Absentee Lands, I would respectfully call attention to my recommendation of last year, page 144, for proper legislation providing for the disposal of the vacant tracts thereof. No provision to that end having been made by Congress, I would renew the recommendation referred to, and I also recommend similar action in case of the New York Indian Lands and the Miami Lands,

there having been but a few tracts of either class entered under the provisions of law for their disposal. Parties occupying these lands and others desiring to purchase them are constantly writing to this office for information and asking to be allowed to enter the same, but in the absence of Congressional action there is no authority for their disposal.

The following tabular statement shows the number of declaratory statements filed, entries made, acres entered, and, in case of the "Osage Indian ceded lands," where payment is made by installments, the number of receipts and certificates issued for the classes of Indian lands therein mentioned, in the State of Kansas, during the fiscal year ending June 30, 1879.

Offices.	Cherokee strip.— Act of February 28, 1877.			Osage Indian ceded lands.—Act of August 11, 1876.						Osage Indian trust and di- minished reserve lands.— Sec. 2283 Rev. Stats.			
	Entries.	Area.		Declaratory statements.	Entries.	Area.		Receipts.	Certificates.	Declaratory statements.	Entries.	Area.	
		Acres.	H'dths.			Acres.	H'dths.					Acres.	H'dths.
Independence....	57	4, 875	64	91	126	15, 939	00	1, 187	401	319	184	23, 351	12
Wichita	203	25, 369	69	.....	.....	.....	.....	.....	.....	2, 052	1, 158	173, 928	37
Larned	1	155	40	.....	.....	.....	.....	.....	.....	332	61	8, 430	20
Totals.....	261	30, 400	73	91	126	15, 939	00	1, 187	401	2, 703	1, 403	205, 709	69

Kansas Trust and Diminished Reserve Lands.—During the fiscal year ending June 30, 1879, one receipt has been issued for the payment of the fifth installment in case of an entry on the "trust" lands made under the first section of the act of June 23, 1874, also one receipt for the payment of the fourth, and last, installment in case of an entry made under the second section of the said act on the "Trust and Diminished Reserve" lands, and one certificate has been issued (in the last-named case), so that at the present time there have been but four entries perfected under the said act, one under the first section and three under the second section.

Shortly prior to the close of the fiscal year this office was officially advised by the department of the reappraisal of the Kansas Indian lands under the provisions of the act of July 5, 1876, and lists were reported with instructions to this office to have the lands disposed of at the prices fixed thereby, in pursuance of the provisions of the said act, with the exception, first, of the lands awarded to parties by name, the provisions for the entry of which, as contained in the first section of the act of July 5, 1876, required that the first installment should be paid on or before January 1, 1877; and, second, of such other tracts as were entered under the second section of the act of June 23, 1874, but the entries of which were not perfected. With regard to the lands thus excepted it is understood to be the design of the department to ask Congress for additional legislation.

In accordance with the above directions, this office, under date of June 9, 1879, issued a circular of instructions to the district officers at Topeka, Kans., for the disposal under the second section of the said act of July 5, 1876, of the remainder of the "Trust and Diminished Reserve" lands to actual settlers on and after Monday, September 1, 1879, but owing to delay in the printing of the circular and the proper blanks for the use of the district officers in the preparation of their returns, and

in order to afford time for the settlers, after notice, to prepare for the first payment for their lands, it was found proper to change the date first fixed upon for laying the lands open to entry, from Monday, September 1, the day first fixed upon, to Monday, November 3, 1879, and the district officers were advised of the date finally fixed upon by letter of the 13th of September last.

Due notice of the reopening of these lands to entry is now being given by publication in the Morris County Republican, published at Council Grove, Morris County, Kansas, and, from the large number of letters received from settlers on these lands and others interested in their purchase, it is thought that they will be disposed of rapidly after the date above given, as the new appraisement has fixed the price of the lands, in most instances, at a much lower rate per acre than formerly under the old appraisement.

Cherokee Strip.—As stated in my last report (pages 52 and 53) Congress passed an act on the 28th day of February, 1877, providing that the unsold portion of these lands, amounting to 295,577.84 acres, should be offered for sale at the proper district offices to settlers at \$1.25 per acre, and that the residue of said lands unsold after one year from the date of such offering should be sold by the Secretary at not less than \$1 per acre, in quantities or tracts not exceeding 160 acres.

The number of entries made and acres disposed of to settlers under the above act for the fiscal year ending June 30, 1878, were 39 entries and 5,189.44 acres, as will be found stated in my last report, page 53, and for the fiscal year ending June 30, 1879, 261 entries and 30,400.73 acres, as shown in the foregoing tabular statement.

The time for the entry of these lands by actual settlers having expired in the month of March of the present year, instructions were issued, pursuant to the provisions of the act, to the district officers at Independence, Wichita, and Larned, under date of March 31, 1879, to offer, after due advertisement, all of the unsold portion of these lands, amounting to 259,967.67 acres, at public sale to the highest bidder, but at not less than \$1 per acre, in tracts not exceeding 160 acres.

In accordance therewith the said lands were duly advertised and offered and sales effected, in the months of July and August, as shown by the following table:

Offices.	Date of offering.	Area sold.	Rate per acre.	Amount.
		<i>Acres.</i>		
Independence.....	August 13, 1879...	3,068.75	\$1 00	\$3,068 75
Wichita.....	August 13, 1879...	4,106.55	1 00	4,106 55
		80.00	1 50	120 00
Larned.....	July 14, 1879.....	673.02	1 00	673 02
Totals .....	.....	7,928.32	.....	7,968 32

The remainder of these lands, amounting to 252,039.35 acres, became subject to private entry, at \$1 per acre, at the close of the public offerings at the several district offices.

I add the following statement, showing the sales of Indian lands and amount received therefor during the fiscal year ending June 30, 1879.

Name.	Acres.	Amount.
Cherokee school.....	80. 07	\$100 09
Sioux.....	12, 929. 08	16, 189 34
Sac and Fox.....	2, 398. 14	8, 140 51
Otoe and Missouri.....	37, 777. 20	73, 718 05
Pawnee.....	30, 383. 66	40, 751 95
Osage ceded.....	15, 939. 00	112, 114 98
Osage trust and diminished reserve.....	205, 709. 69	267, 165 22
Cherokee strip.....	30, 400. 73	38, 001 52
Winnabago.....	40. 00	120 00
Shawnee absentee.....	80. 00	200 00
Total.....	335, 737. 57	556, 501 66

In the public lands division (C) of this office, which is charged generally with work relating to public lands after survey and not specifically assigned to other divisions, there were received during the fiscal year ending June 30, 1879, 28,450 letters. The number of letters written, recorded, and mailed was 25,206, covering 12,671 record pages. There were cases of disposals of public lands requiring the issue of patents which were examined, approved, and put in course of patenting to the number of 21,637. The number of cases that underwent preliminary examination, for noting any irregularities, and were posted in the tract-books, was 141,563. Entries suspended for various causes were adjudged proper to be confirmed, and submitted for the approval of the board, under sections 2450 to 2457 of the Revised Statutes, as amended by the act of February 27, 1877, to the number of 515. In 505 cases the board approved the adjudication of this office that the entries should be confirmed, and in ten cases the board declined to approve, as indicated in abstracts appended to this report.

The duties of the discontinued district land offices in the States of Ohio, Indiana, and Illinois, for the disposal of any isolated tracts that may be found to be vacant within the limits of those States, the completing of any unfinished business, keeping the records safe, and affording information therefrom to parties interested in land titles, devolved upon the Commissioner under the act of Congress of March 3, 1877. The clerical work required is performed in this division. The work of the division is to a great extent of a general and miscellaneous character, much of it not susceptible of description in a few words, and is considerably in arrears, as was indicated in the last annual report, pages 53 and 54.

Grants for railroads, wagon-roads, and canals.

In July, 1872, a division was organized in this office to which are referred all questions growing out of the adjustment of railroad, wagon-road, canal, and other internal improvement grants.

The examination of settlers' claims in controversy with those of railroad companies forms a large part of the business of this branch of the bureau.

The reports of construction of land-grant railroads during the fiscal year show an aggregate of 442.66 miles, which, taken with those

previously reported (14,628.48 miles), make a total of 15,071.14 miles of such roads, distributed as follows:

States and Territories.	Miles.	States and Territories.	Miles.
Alabama	822	Florida	247
Arkansas	620.16	Illinois	705.72
California	1,228.89	Indian Territory	155
Colorado	298	Iowa	1,672
Dakota	196	Kansas	1,654
Louisiana	152	Oregon	227
Michigan	1,005	Texas (where there are no United States lands)	342.87
Minnesota	2,030.50	Utah	255
Mississippi	406	Washington	106
Missouri	703	Wisconsin	553
Nebraska	832	Wyoming	400
Nevada	460		
		Total	15,071.14

During the fiscal year there were certified for railroad purposes 278,334.11 acres, showing a decrease as compared with the previous year of 328,006.54 acres. No certifications were made in favor of wagon-roads or canals.

Ten patents were issued, covering 77 pages of record, and five approved transcripts, covering 16 pages of record.

The lists of selections awaiting examination at the close of the fiscal year covered 1,250,573.77 acres.

In their appropriate place in this report will be found carefully prepared tables showing the condition of the adjustment of the various land grants at the close of the fiscal year.

The number of contested cases received from the organization of the division in 1872 to June 30, 1879, was 3,793, of which 2,311 had at the latter date received final action and been closed; 947 had been acted upon but not finally disposed of, and 535 remained on which no action whatever had been taken by the office.

Of *ex parte* cases, 6,387 were received up to the close of the fiscal year, 2,935 of which had at that time been finally acted upon and closed; 528 had received action, but yet remained open; and 2,924 had received no official attention save their entry upon the books of the division.

The number of letters received during the fiscal year was 5,001, and of letters written 5,212. The record of the latter covered 4,807 pages.

Since my last annual report many important decisions affecting railroad interests have been made both by the department and the Supreme Court.

In the case of *Yates vs. California and Oregon Railroad Company*, it was held that a pre-emption claim, though valid and subsisting at the time the grant to a railroad company took effect, which was afterwards abandoned, does not except the tract covered thereby from the operation of such grant, but the tract inures to the grant as of the date when it became effective.

In *Kniskern vs. Hastings and Dakota Railroad Company*, it was held, under the act of March 21, 1864, which relieved certain persons, then absent on duty in the military or naval service, from personal presence at the district land office, and authorized them to make the required affidavit before their commanding officer, and to appoint a representative to file their applications, that an entry made by a single man in the

military service who had not made *bona fide* improvement and settlement as required was illegal, and would not defeat a railroad grant attaching during the existence of such entry.

In *White vs. Hastings and Dakota Railroad Company*, it was held that a legal homestead entry subsisting to a tract of land at the date of a grant *in presenti* to a railroad excepts the tract so entered from such grant notwithstanding the entry may have been canceled *prior* to the date when the grant attached. It was also held that a decision made in accordance with rulings in force at the time renders the subject of the controversy *res judicata* as between the parties in interest, but does not conclude a third person from asserting a claim to the same land under modifications of former rulings and different circumstances, if the title to the land has not been transferred.

In *Cox vs. Southern Pacific Railroad Company*, it was held that when at the time the grant to the railroad became effective a pre-emption settler's claim was valid and subsisting, and defeated the right of the company to the tract, his subsequent failure to perform the acts required by law is a question between such settler and the government only.

In *Serrano vs. Southern Pacific Railroad Company*, it was held that where the pre-emption settler had failed to perform the acts required by law and thereafter a railroad grant attached, the preference right to purchase is forfeited, and the tract would inure to such grant.

The Supreme Court, at its late term (October, 1878), in *Ryan vs. Central Pacific Railroad Company*, declared that the right to indemnity for lands lost within the limits of a grant to a railroad attaches only from date of regular selection. The department, in *Blodgett vs. California and Oregon Railroad Company*, followed that decision, and held, further, that a withdrawal in favor of a company would protect the grant from the intervention of adverse claims initiated subsequent to such reservation.

In *Turner vs. Atchison, Topeka and Santa Fé Railroad Company*, it was held that a pre-emption or homestead claim which was initiated to land within the limits of a railroad grant after the time when the grant took effect, even though prior to the time when the notice of the withdrawal for the company was received at the district office, is not a valid pre-emption or homestead claim within the meaning of the second section of the act of April 21, 1876; and subsequent entries based upon such pre-emption or homestead claims are not confirmed by said statute.

In *Weber vs. Western Pacific Railroad Company*, it was held that to constitute a valid pre-emption claim within the intention of the second section of said act of April 21, 1876, the prior claimant must have possessed the requisite qualifications and have met the essential requirements of the laws under which he claimed.

In *Starkweather vs. Atchison, Topeka and Santa Fé Railroad Company* it was held that the rulings now in force can be applied to determine whether the prior claim was "valid" within the meaning of the second section of the act of April 21, 1876, aforesaid, notwithstanding such claim may have been, under former rulings, declared void.

In *Central Branch Union Pacific Railroad Company vs. Kansas Pacific Railway Company*, it was held that in cases where grants of lands are made by the same act of Congress to two different companies, which act imposes the same conditions on each company, they are contemporaneous in origin, and the right of one company as respects the other does not depend upon priority of location or construction, but that lands falling within the overlapping limits of the two roads inure to them jointly.

It was also held that title does not pass from the government under a patent until it has been delivered to and accepted by the grantee.

In the matter of the Northern Pacific Railroad Company, it was held that the time within which the company is required to complete its road does not expire until July 4, 1880; that the only right reserved to the United States in case of a failure by the company to comply with the requirements of its charter is to "do any and all acts and things which may be needful and necessary to insure a speedy completion of said road," the grant to said company differing from most railroad grants in respect to the provisions for forfeiture in case the road is not built, and that a line of "general route," not being a "definite location," may be changed or amended by the company.

In *McGregor and Missouri River Railroad Company vs. Chicago, Milwaukee and Saint Paul Railway Company* it was held that the grant to the State of Iowa by act of May 12, 1864, vested an estate *in presenti*; that the disposal of lands is not restricted to the limits continuous with construction, being restricted by quantity and lateral limits only; and that the department is not necessarily called upon to decide upon rights declared by State legislation not in conflict with the granting act, as existing in the various companies having constructed the road.

Readjustment of grants under decisions of Supreme Court.—Under the decision of the Supreme Court in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs. The United States*, which established the principle that in railroad grants indemnity was not given for lands within the limits of the grant disposed of prior thereto, a readjustment of these grants was made necessary. Under the most favorable circumstances the progress of such work would be apparently slow, though proceeding with all the dispatch compatible with correctness, yet it has been unavoidably procrastinated and retarded by the smallness of the clerical force of the division.

In my last report the grants for the Hastings and Dakota, Wisconsin Central, California and Oregon, Saint Paul and Pacific, Saint Vincent Extension (constructed road only), Southern Pacific (main line), and Saint Joseph and Denver City Railroad companies were reported as having been carefully examined and the quantity of lands each company was entitled to under the decision ascertained. During the fiscal year ending June 30, 1879, no further examinations had been made, the limited clerical force of this branch of the office having been otherwise engaged. Since the last-named date, however, the grant for the Saint Paul and Pacific (Brainard Branch) Railroad Company has been carefully examined and the quantity it will receive under the decision referred to ascertained.

Lands within railroad grants reserved for adjustment of foreign grant claims.—The Supreme Court decision in the case of *Newhall vs. Sanger*, following the Osage ceded lands decisions, had particular reference to the attachment of railroad rights upon lands covered at the time of the railroad grant by a foreign grant claim, and settled the question adversely to the railroad company, holding that lands reserved for the adjustment of a foreign grant claim at the time of making the railroad grant did not pass under the latter, and, on their release from reservation by adjustment or rejection of the foreign grant claim, became a part of the public domain. This decision is of importance in the adjustment of railroad grants in the State of California, and will render necessary a great amount of careful work. Prior to its rendition the department had held that the railroad grant attached to such lands on their release from reservation, and under such construction thousands of acres were patented

to the companies, to which, under the beforementioned decision, they were not entitled. Consequently each grant will have to be examined in connection with the foreign grant claims, and lists of lands excepted and erroneously patented made up for appropriate action thereon. I stated in my last report that at that time the lands embraced in one grant only—the Manuel Diaz—had been ascertained and the matter laid before the Secretary, and that another—the Moquelamoš—was partially prepared. The latter has been completed and the matter laid before the Secretary, and suit thereon against the Western Pacific Railroad Company has, at the direction of the Attorney-General, been instituted.

The records of this office are not perfect enough to establish the reservations of lands for the many foreign grant claims which, genuine or fraudulent, were presented and fought to a termination, successful or otherwise, after legal conflicts many years in duration. These can only be established from the records of the surveyor general of California, who has been called upon to give the necessary information. Some idea of the extent to which these grant claims may or do conflict with railroad grants may be formed from the statement that the confirmed and surveyed claims alone are 576 in number.

Restoration of Missouri River, Fort Scott and Gulf Railroad lands.—By the act of March 3, 1877 (19 Stat., p. 404), part of the act making a grant of lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad was repealed, the company on surrender of the lands not disposed of by it, and payment of moneys received for those disposed of, was released from the obligations imposed by the grant, and the lands surrendered were to be restored to market by proclamation of the President, and opened to settlement and purchase under the homestead laws only. By proclamation of the President the lands affected, with the exception of a few tracts of doubtful status which will require future action, have been restored to entry under the homestead laws only.

Restoration of lands in Iowa withdrawn for Mississippi and Missouri Railroad.—An act approved June 15, 1878 (20 Stat., p. 133), directs the restoration to settlement, under the pre-emption and homestead laws, of all vacant unappropriated lands heretofore withdrawn for the Mississippi and Missouri Railroad in Iowa, situated more than twenty miles from the amended line of route as located under the act approved June 2, 1864, and not including any lands embraced in the confirmatory act of January 31, 1873.

A complete list of all vacant lands affected by this act, embracing about five hundred acres, was prepared and forwarded to the district land office, and the restoration will be effected in a short time.

Right of way railroads.—The number of railroad companies claiming the benefits of the act of March 3, 1875 (18 Stat., p. 482), granting to railroads the right of way over the public lands, is continually increasing, until, at present, the adjustment of their rights forms a large part of the work of this division. A table showing the railroads thus far entitled to the benefits of the act will be found in another part of this report.

Payment for surveys of railroad lands.—The sundry civil appropriation act of July 31, 1876 (19 Stat., p. 121), contains the requirement "that before any land granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there

shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest." This enactment, buried in an appropriation bill, escaped notice until in 1878.

The question of exemption from payment of such costs was considered by the Secretary in the matter of the grant to the Southern Pacific Railroad Company and the grant to the State of Kansas for the Saint Joseph and Denver City Railroad Company. It was held that, in the adjustment of all railroad grants falling within the terms of the act, the requirements thereof must be met before certifications or patents can issue for lands granted to the company. The provisions of the statute were construed, however, as not applying to grants made to States to aid in the construction of railroads not named in the granting act; but where the grant is to a State in trust for the benefit of a company named, and the State is simply an intermediary and not a beneficiary, the payment required must be made.

Pacific Railroad lands.—In *Platt vs. Union Pacific Railroad Company*, decided at the October term, 1878, the Supreme Court of the United States declared that a mortgage constitutes a "disposal" within the meaning of the third section of the act of July 1, 1862, and that lands thus encumbered were not subject to pre-emption settlement and entry. Following said ruling the Secretary modified the decisions of the department in the case of *Dudymott vs. The Kansas Pacific Railroad Company*, and appropriate instructions have accordingly been issued.

Railroad grants lapsed by reason of non-completion of roads.—In my reports for the past two years I submitted a list of railroad grants which had expired by limitation, the roads for whose benefit they were made not having been constructed within the period prescribed by law, recommending that the attention of Congress be specially called to the subject, and that legislation be urged, looking either to the enforcement of the forfeiture of the grants, or extending the time for the completion of the roads. Various bills looking toward enforcement of the forfeiture have been introduced in Congress, but thus far no definite result has been reached. The recommendations on the subject are respectfully renewed, with the earnest hope that legislative action will be taken at an early day, either for the relief of the corporations or the restoration of the lands to market.

During the fiscal year just closed no grants have lapsed.

The Port Huron and Lake Michigan Railroad grant, heretofore reported as lapsed, is this year omitted from the list of such grants, Congress having by joint resolution of 3d of March, 1879, released to the State of Michigan any and all reversionary interest in the lands which the United States possessed. A list of the lapsed grants, carefully revised, will be found elsewhere in this report.

Clerical force.—This division has sorely felt the want of adequate clerical force during the past fiscal year. The many important changes in the rulings, readjustment of cases under the act of April 21, 1876, examinations necessary to give effect to the Newhall-Sanger decision, and the complications incident to the advanced adjustments of many of the railroad grants, with the rapidly increasing current work, have prevented a showing that might otherwise have been made.

While at present the clerical force is in better condition than for some years past, it is still inadequate to perform the work imposed upon the division. I submit in full the following decisions affecting railroad grants.

GATES. *vs.* CALIFORNIA AND OREGON RAILROAD COMPANY.

A pre-emption claim does not except a tract from a railroad grant like the one to the California and Oregon Railroad Company, where such claim was capable of being perfected at the time the grant took effect, but which was afterward abandoned.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 18, 1878.

SIR: I have considered the case of T. H. Gates *vs.* California and Oregon Railroad Company, involving the right to lots 7, 8, 9, and 10, section 3, township 27 north, range 3 west, Shasta, Cal., on appeal from your decision of July 2d, 1877, awarding the land to Gates.

This tract is within the twenty-mile or granted limits of the grant made to the company by the act of Congress, approved July 25, 1866, which took effect September 13, 1867.

The township plat was filed in the local land office May 12, 1869.

The tract in question was occupied by Robert E. Warren from September, 1866, until November 17, 1867. In my opinion the evidence shows that he was a qualified pre-emptor; and that prior to the time that the grant took effect he had initiated a claim which was capable of being perfected. You held that this claim excepted the land from the grant, and awarded the same to Gates, the present occupant.

From this decision the company appealed.

There can be no doubt that had Warren perfected his claim, initiated prior to the time that the grant took effect, when there was an opportunity, the tract would have been excepted from the operation of the said grant. In the case of Sherman *vs.* Buick (3 Otto, 209), the controversy was between a settler, who had perfected his title from the United States, and a purchaser from the State. The court held that the State of California took no title to sections 16 and 36 under the act of 1853, as against an actual settler before survey, claiming the benefits of the pre-emption laws, who perfected his claim by a patent from the United States.

In commenting upon this point in said case, the court, in the later case of Water and Mining Company *vs.* Bugbey (6 Otto, 165), say: "As against all the world, except the pre-emption settler, the title of the United States passed to the State upon the completion of the surveys, and if the settler failed to assert his claim, or to make it good, the rights of the State became absolute."

As before stated, Warren, at the date the grant took effect, had a claim which he might have perfected; as a matter of fact, however, he failed to do so, but abandoned the same on the 17th November, 1867.

This raises the question, Did said claim place the tract in the status of land "pre-empted" at the date the grant took effect? If so, your decision is correct, and must be sustained, for the reason that the second section of the granting act provides that "when any of the said alternate sections, or parts of sections, shall be found to have been granted, sold, reserved, occupied by homestead settlers, pre-empted, or otherwise disposed of, other lands, designated as aforesaid, shall be selected by said companies, in lieu thereof."

In the case of Sherman *vs.* Buick the court went to the extent of asserting that, as against all parties, except the settler, the title of the United States to sections 16 and 36, granted to the State by the act of March 3, 1853, passed to the State upon the completion of the surveys, and if the settler failed to assert his claim, or make it good, the rights of the State became absolute.

The State of California, under the act of March 3, 1853, stands in the same position, as a grantee of public lands, as the California and Oregon Railroad Company under the act of July 25, 1866.

Under the act of 1853 the State is entitled to indemnity if at the time the grant took effect the lands granted are occupied by settlers who assert their claims.

Is there anything in the act of July 25, 1866, which places the railroad company, a grantee of the government, in a different position? If it does occupy the same relative position must not the same principle govern in the adjustment of the grant? I can see no reason why it should not; and, if so, it must be held that Warren having failed to perfect his claim the land passed to the railroad company when its grant took effect.

The court, however, has not left the department in doubt on this point. In the case of Water and Mining Company *vs.* Bugbey, above cited, Bugbey was residing upon section 16, granted to the State of California by the act of March 3, 1853, at the time the same was surveyed; he, however, failed to perfect his claim after the land became subject to filing and cash entry, viz, at the date of survey, and the court held that by reason of such failure the right of the State attached.

The language of the court on this point is as follows, viz: "Here the company does not claim under the settler's title, but seeks by means of it to defeat that of the State, and thus leave the land in a condition to be operated upon by the act of July 26. The

settler, however, was under no obligation to assert his claim, and he having abandoned it, the title of the State became absolute as of May 19, 1866, when the surveys were completed."

Unless there is a different principle to be applied in the adjustment of the grant to the railroad company from that announced by the court as applicable to the school grant to the State of California, the claim of Gates must be rejected.

The 6th section of the act of March 3, 1853, making the grant to the State of California for school purposes, is as follows, viz: "That all the public lands in the State of California, whether surveyed or unsurveyed, with the exception of sections sixteen and thirty-six, which shall be, and hereby are, granted to the State for the purposes of public schools in each township," &c.

The 7th section of the act provides: "That where any settlement, by the erection of a dwelling house or the cultivation of any portion of land, shall be made upon the sixteenth and thirty-sixth sections, before the same shall be surveyed, other land shall be selected by the proper authorities of the State in lieu thereof."

The Supreme Court, in the two cases above cited, established the principle that this grant takes effect upon the survey of the land, that where a person settled prior to survey, and perfected his claim after such survey, the State is entitled to indemnity for the tract lost, but that where a party settles prior to survey, and fails to perfect his claim, after that event, the land passes to the State as of the date of survey.

The section of the act of July 25, 1866, making a grant of land to the California and Oregon Railroad Company, is as follows, viz: "That there be, and hereby is, granted to the said companies, their successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line * * * every alternate section of public land—not mineral—designated by odd numbers, to the amount of twenty alternate sections per mile (ten on each side) of said railroad line, and when any of said alternate sections or parts of sections shall be found to have been granted, sold, reserved, occupied by homestead settlers, pre-empted, or otherwise disposed of, other lands, designated as aforesaid, shall be selected by said companies in lieu thereof, * * * and as soon as said companies, or either of them, shall file in the office of the Secretary of the Interior a map of survey of said railroad, or any portion thereof, not less than sixty continuous miles from either terminus, the Secretary of the Interior shall withdraw from sale public lands herein granted on each side of said railroad, so far as located within the limits before specified."

It will be observed that this section makes a grant of public lands; defines when said grant shall take effect, viz, at the date of filing the map of the survey of said railroad; and provides when indemnity shall be taken, viz, when, at the time the grant takes effect, a tract is found to be pre-empted.

We thus find that in all essential particulars the grants are identical, and the principle being so clearly and firmly established that under the former grant the right of the State is not defeated by a pre-emption settlement made prior to survey and in existence at that date, unless that claim is perfected by the said settler after survey, the same principle must apply in the grant to the railroad company.

In the case under consideration we find that Warren had a pre-emption settlement claim at the time the grant took effect, capable of being perfected, but as he abandoned the land, and failed to perfect the same, the right of the company attached as of the date when the grant took effect.

Your decision is therefore reversed, and the land awarded to the company.

I am aware that this ruling is contrary to that heretofore in force in this department, which ruling was established in compliance with what was deemed a correct interpretation of the law, but the highest appellate judicial authority of the land has put a different construction upon the law, and under the theory of our government this construction must be followed by the Executive Departments thereof.

This change of rule is prospective only in its operations. In no case, where the decision of the department, based upon a former ruling, has become final by promulgation, will it be changed or modified to conform to the ruling herein announced. Those cases will be deemed *res adjudicata*.

The papers in the case are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

KNISKERN *vs.* HASTINGS AND DAKOTA RAILROAD COMPANY.

1. The homestead act of May 20, 1862 (section 2290, R. S.), required a person seeking to obtain its benefits to make his application and the necessary affidavit in person before the officers of the land district in which the land he desired to enter was situated. The act of March 21, 1864 (section 2293, R. S.), relieved certain persons, then absent on duty in the military or naval service, from the necessity of this personal presence at the land office, and authorized them to make the affidavit before their commanding officer, and to appoint a representative to file their application. It was not a general statute, but was limited to those persons having a family or some member thereof, then residing on the tract desired to be entered and on which a *bona fide* improvement and settlement had been made.
2. An entry made under the statutes referred to, by a single man in the military service of the United States, who had not made a *bona fide* improvement and settlement as required, was illegal, and would not defeat the right of a railroad attaching during the existence of such entry.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 3, 1879.

SIR: I have considered the appeal from your decision of March 26, 1878, in the case of Edwin A. Kniskern *vs.* The Hastings and Dakota Railroad Company, involving the east half southeast quarter, section 33, township 116, range 32, Benson, Minn.

The tract is within the ten-mile limits of the grant for said company, the right of which attached March 7, 1867. The withdrawal took effect August 8, 1866.

The record shows that on May 3, 1865, Albert Walters made homestead entry for the southeast quarter of said section, which entry was canceled September 30, 1872, for failure to make proof and payment within the time prescribed by law.

Kniskern made homestead entry of the east half southeast quarter of said section on October 6, 1877.

You decided that the tract being covered by an uncanceled homestead entry at the date when the right of the company attached, it was thereby excepted from the operation of its grant, in accordance with the general rule announced by this department, February 7, 1877, in the case of Thomas *vs.* The Saint Joseph and Denver City Railroad Company, and rejected its claim. This rule was, however, qualified by the same decision, in these words: "In the future a claimant may be allowed to show that an entry was illegal in its inception, that it was made by one not legally qualified to make the same. In such case, the entry, being null and void, can have no effect."

It is claimed by the company that the entry of Walters is within this exception to the general rule.

The homestead act of May 20, 1862, required a person seeking its benefit to make his application and the required affidavit in person before the officers of the land district in which the land he desired to enter was located.

The act of March 21, 1864, Revised Statutes, section 2293, relieved certain persons, then absent on duty in military or naval service, from the necessity of this personal presence at the land office, and authorized them to make the affidavit before their commanding officer, and to appoint a representative to file their application. It was not a general statute applicable to all persons, but was limited to those having a family, or some member thereof, then residing on the tract desired to be entered, and on which a *bona fide* improvement and settlement had been made.

It consequently, I think, excluded from its operation single persons without family and where no settlement or improvement had been made.

It is in these words: "In case of any person desirous of availing himself of the benefits of this (homestead) chapter, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land office, which the preceding sections require, and whose family or some member thereof is residing on the land he desires to enter, and upon which a *bona fide* improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law and with like penalties as if taken before the register or receiver, and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law."

No person could acquire rights under this statute except on the conditions named.

The case shows that Walters, a resident of the State of New Jersey, but then engaged in the military service of the United States in the State of Virginia, made affidavit February 28, 1865, before the major of the Eighth Battery New Jersey Volunteers, on a printed form, setting forth that he was a single man, and made thereby his application to enter the tract in dispute, but erasing therefrom the printed statement, "I am the head of a family," nor does it anywhere appear that he had a wife or family or that said tract was settled upon or improved prior to the entry of Kniskern or that Walters was ever within the State of Minnesota for such or for any purpose.

He also appointed one Conwell as his representative to designate the tract named as his homestead, which Conwell did on May 3 following.

The circular of April 18, 1864, from your office, explanatory of the act of March 21, 1864, instructs the local officers that if the affidavit and application of the person making them are "regular in all respects," the entry will have legal inception from the date of their filing. But if irregular and not pursuant to the requirements and conditions of the law, I think an entry made thereunder acquires no validity but is void *ab initio*.

Walters was a single man, without family, at the date of said affidavit, and hence was not authorized to make the same before his commanding officer, and his entry was illegal at its inception, and being null and void can have no effect.

As there does not appear to have been any valid subsisting claim upon the tract named at the date when the right of the company attached, it should be awarded to the company and the entry of Kniskern canceled. Your decision is reversed for the reason stated.

The papers transmitted with your letter of the 10th ultimo are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

WHITE vs. HASTINGS AND DAKOTA RAILROAD COMPANY.

A homestead entry made prior to the date of the act granting *in presenti* lands to the railroad company, and existing at that date, excludes the land so entered from the grant to the company, notwithstanding said entry may have been canceled *prior* to the date of the attachment of the grant. Land to pass under the grant must be *public* land at date of grant and definite location. A decision made in accordance with rulings in force, when made, renders the subject of the controversy *res adjudicata* as between the parties in interest, but does not prevent another party from asserting a claim to the same property under a modification of those rulings and under different circumstances.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 14, 1878.

GENTLEMEN: I have considered the application of Aaron L. White to enter under the provisions of the homestead laws the east half of the southeast quarter, 11, 114 north, 30 west.

The application is brought before this office by appeal from your rejection because of conflict with the grant to the Hastings and Dakota Railroad Company, and the point of exception to the rejection is "that the land described did not pass under the railroad grant, the same being at the date of said grant covered by homestead entry." The land is within the limits of the grant by act of July 4, 1866, for the said Hastings and Dakota Railroad, which became effective March 7, 1867, the date of the acceptance by the State legislature of the same.

The records of this office show that on the 13th June, 1864, one Joshua Jones made homestead entry of said tract (in connection with the west half of the southwest quarter, section 12), which entry was canceled January 8, 1867, upon proof submitted July 20, 1866, showing that Jones had never resided upon or cultivated the land.

The records also show that one Laroy Chase, in January, 1876, applied to enter the tract in controversy, and that by decision of March 10, 1876, his application was rejected and the land was awarded to the company. The decision was based upon the rulings then in force to the effect that to constitute a legal homestead entry so as to except the land covered thereby from the operation of a railroad grant, it must have been kept alive by actual residence upon and cultivation of the land until a date subsequent to the attachment of the grant; and upon the further ground that the grant became effective at the time of the survey of the line of road, viz, in September and October, 1866.

Not only have the rulings since changed, so that it is no longer necessary to show residence upon and cultivation of a tract under a homestead entry in order to except the tract from a railroad grant, but the date at which the grant to the said Hastings and Dakota Railroad attached has been fixed at March 7, 1867, instead of from dates of survey of route.

Two questions are then presented for consideration, viz:

(1) Whether the homestead entry of said Joshua Jones, made prior to the approval of the granting act, but canceled prior to the date when the grant became effective, could operate to exclude the land from the grant; and,

(2) Whether the adjudication between Chase and the company aforesaid rendered the matter *res judicata*.

The last question I shall consider first. As above stated the rulings have been changed, and now, under the decision of the honorable Secretary of the Interior in the

case of Chalkley Thomas *vs.* The Saint Joe and Denver City Railroad Company, a homestead entry is *prima facie* legal, and the land covered thereby is segregated from the mass of public lands and does not pass to a grant attaching during its existence. But that rule, according to the words of the decision, was not to be applied to "an adjudication under the rules" of this office, "heretofore in force."

There is no doubt that as between the company and Chase the question is *res judicata*, for Mr. Chase did not appeal, but I am inclined to the belief that no reason exists why the present application cannot be regularly considered and adjudicated under the rules as they now are. On the 17th July, 1873, the Secretary in the matter of the appeal of the Missouri, Kansas and Texas Railroad Company from the refusal of this office to cancel certain entries of lands embraced in their grant, declared that no case could be considered *res judicata* until patent had actually been executed. He further said: "But in all cases where the controversy arises before patent has been executed, the rule of construction adopted by the department, and in force at the time of the hearing, in all its stages and before any proper officer or officers, will be applied and the cases decided in accordance with it, although it may differ from the rule recognized by the department at the time the respective proceedings were commenced."

While I am aware of the fact that the rule just quoted has been deviated from in special instances, no new rule declaring to the contrary has been established, and I must, therefore, hold that the application of Mr. White can be considered and passed upon under the rulings as they now stand.

While, under the Thomas decision above referred to, the entry of Joshua Jones would have excepted the land from the grant, had it not been canceled until after the time of the attachment of the grant, some doubt exists as to whether it could so except the tract, having been canceled prior to that time.

The question has not received the consideration of the department except in the one instance, and the decision then made was subsequently modified, and the point is, as yet, undetermined.

The Supreme Court in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* United States, held that the grant to that company, which is substantially the same as the one now under consideration, was a present grant, and only attached to lands which at its date were within the description of the lands granted; that it "covered all the odd sections which should appear on the location of the road to have been within the grant when made."

It appears, then, that land, to pass under the grant must be public land at date of grant and definite location.

In this case the land, at the date of the grant, was covered by a homestead entry, and lands covered by homestead entries were excepted from its operations. It, therefore, follows that the grant did not attach to the tract on the 7th of March, 1867, even though vacant and unappropriated at that time, but reverted to the public domain on the cancellation of Jones' entry, and is now subject to the application of Aaron L. White.

I so decide, and you will so duly advise the parties in interest, and allow the usual period of sixty days within which an appeal may be filed.

Mery respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGISTER AND RECEIVER,
Redwood Falls, Minnesota.

WHITE *vs.* HASTINGS AND DAKOTA RAILROAD COMPANY.

1. A homestead entry made prior to and existing at the date of an act of Congress making a grant *in praesenti* for a railroad, excepts the tract covered thereby from the grant, notwithstanding the entry was canceled prior to the time the grant became effective.
2. A decision made in accordance with rulings in force, when made, renders the subject of the controversy *res adjudicata* as between the parties in interest, but does not conclude any other person from asserting a claim to the same land under a modification of those rulings and different circumstances.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 29, 1879.

SIR: I have considered the case of Aaron L. White *vs.* The Hastings and Dakota Railroad Company, involving the right to the east half of the southeast quarter of section 11, township 114, range 30 west, Redwood Falls, Minn., on appeal from your decision of December 14, 1878, allowing the application of White to enter said land as a homestead.

It appears from the record that Laroy Chase made application to enter said tract in January, 1876, and under date of March 10, following, your office rejected the same, and awarded the land to the company.

It is asserted by counsel for defendant that the case is *res judicata*, and that the

award to the company must stand. Had title been transferred there could be no doubt that the question of the *status* of the land, so far as this department is concerned, would be settled. In the case under consideration, however, the title is still in the United States.

The application of White is an independent application, and has no connection with the case of Chase *vs.* the Company.

The application must be determined upon its merits, and if the land is subject to appropriation, it should be received. I think it will not be seriously asserted that it would be the duty of the department to transfer the title of the land to the company, if, under a correct construction of the law, said grantee had no valid claim to the same, simply because, at some former date, in a case other than the one presented to you, an award had been made to said claimant. If, as before stated, a patent had issued upon said award, no further action could properly be taken in the premises by this department.

The tract in question is within the limits of the grant made to the State of Minnesota, by the act of Congress approved July 4, 1866, to aid in the construction of certain railroads.

The line of road within the limits of which the tract in question is situate, was surveyed in the field between August 25 and October 26, 1866. The grant made by Congress was accepted by the legislature of Minnesota, March 7, 1867, at which date, as held by this department, the grant became effective.

The language of the grant is as follows: "That there be, and hereby is, granted to the State of Minnesota * * * for the purpose of aiding in the construction of a railroad from * * * Hastings, through the counties of Dakota, Scott, Carver and McLeod, to such point on the western boundary of the State as the legislature of the State may determine, every alternate section of land designated by odd numbers, to the amount of five alternate sections per mile on each side of said road; but in case it shall appear that the United States have, when the lines or routes of said roads are definitely located, sold any section, or part thereof, granted as aforesaid, or that the right of pre-emption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior * * * to cause indemnity lands to be selected."

The language employed in the act of Congress approved March 3, 1863, granting lands to the State of Kansas, is almost identical with that above cited.

The third section of the Kansas act is as follows: "That said lands hereby granted to said State shall be subject to the disposal of the legislature thereof, for the purposes aforesaid, and no other." * * *

The third section of the Minnesota act is as follows: "That the lands hereby granted shall be subject to the disposal of the legislature of Minnesota for the purposes aforesaid, and no other."

In the case of Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States (2 Otto, 733), involving the correct construction of the Kansas act, the Supreme Court of the United States say: "It creates an immediate interest, and does not indicate a purpose to give in the future. 'There be and is hereby granted,' are words of absolute donation, and import a grant *in presenti*." * * * "They vest a present title in the State of Kansas, though a survey of the lands and a location of the road are necessary to give precision to it, and attach it to any particular tract."

Under the rulings of the Land Department, a well-known meaning is given to the words, "when the lines or routes of said roads are definitely located." They mean when the line of road is surveyed in the field, or when a surveyed line is adopted by the proper authorities of the company. It is then that the lands granted become identified. "The grant then becomes certain, and by relation has the same effect upon the selected parcels as if it had specifically described them."

The grant made to the State of Kansas by the act of March 3, 1863, was accepted by the State February 9, 1864, and the Leavenworth, Lawrence and Galveston Railroad was not definitely located until after the acceptance; hence the court, in construing the grant, followed the language of the act, and referred to the fact that a survey of the road was necessary to give precision to it, and attach it to any particular tract.

The Hastings and Dakota Road was surveyed prior to October 26, 1866, and this survey was approved by the officers of the company, and by the governor of the State. A reference to the granting act, however, will show that the western terminus of the road was to be determined by the legislature of the State, and until that was done no legal survey of the route could be made that would be binding upon the government, or that would defeat the rights of settlers.

On the 7th of March, 1867, the legislature accepted the grant, with its conditions, determining the western terminus, thus giving effect and validity to the survey made.

By this acceptance the grant became certain, and had the same effect upon the designated parcels as if it had specially described them. Hence, if at that date the tract in question had not been sold, or the right of pre-emption or homestead settlement had

not attached to the same, or if it had not been reserved by the United States for any purpose whatever, it inured to the grant, if said tract fell within the terms of the granting act. The records of your office show that Joshua Jones made homestead entry of the tract in question, June 13, 1864, and that said entry was canceled for abandonment January 8, 1867. Hence, at the time the grant took effect, it was unappropriated land.

The important question, Was it granted by the terms of the act of July 4, 1866? remains to be determined.

Under the rulings of this department, a valid homestead entry operates as an appropriation and reservation of the land embraced in the same so long as it remains in force and uncanceled. The entry, while in force, segregates the tract from the mass of the public domain.

As before stated, the act making the grant to the State of Minnesota, so far as the granting clause is concerned, is identical with the grant to the State of Kansas, which was under consideration by the court in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States, before cited.

The court, in express language, reaffirmed the doctrine announced in the case of Wilcox *vs.* Jackson, "that whenever a tract of land shall have been once legally appropriated to any purpose, from that moment the land thus appropriated becomes reserved from the mass of public lands, and that no subsequent law, proclamation, or sale would be construed to embrace or operate upon it, although no reservation were made of it."

There can be no doubt whatever as to the opinion of the highest judicial tribunal of the country on this point; it has been expressed and repeated in language that cannot be misunderstood. It follows that if, under the ruling of the Land Department, it is held that a tract of land was sold or legally appropriated at the date of the granting act, it is excepted from the operation of said act, unless some provision to the contrary is made in the act, as in the case of the Pacific Railroad acts, where a provision is made to extinguish the Indian title to lands for the benefit of the company. No such provision, however, appears in the act under consideration, and the rule established by the court must prevail.

So far as the records show, the homestead entry of Jones was a valid entry at its date, and it operated as a legal appropriation of the land until canceled, January 8, 1867, and said land could not be affected by the terms of the act of July 4, 1866.

It matters not what the condition of the tract may have been at the time the grant to the company took effect; so far as the tract in question is concerned, no grant of the same was ever made.

Your decision that the land is subject to the application of White is affirmed, and the papers in the case are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

COX *vs.* THE SOUTHERN PACIFIC RAILROAD COMPANY.

1. At the time the railroad grant attached, the land was occupied by a pre-emptor, under a settlement established some weeks before. The time within which he was required to file a declaratory statement did not expire for two months thereafter; subsequently, though not within the legal period, the claimant applied to file his declaratory statement. *Held*, That at the time the grant became effective the settler's claim was valid and subsisting, and defeated the right of the company, and that his failure to subsequently perform the acts required by law was a question between himself and the government only.
2. The case falls within the decision of the Supreme Court in Johnson *vs.* Towsley, and not within the decision in Water Company *vs.* Bugbey, the settler basing his claim upon his acts, and not upon the acts or claims of another.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 8, 1879.

SIR: I have considered the case of S. C. Cox *vs.* The Southern Pacific Railroad Company, involving the west half of northeast quarter of section 5, township 1 south, range 3 west, S. B. M., Los Angeles, Cal., on appeal from your decision of January 2^d, 1878, adverse to the company.

The tract is within the limits of the grant to the company, which took effect April 3, 1871.

The township plat was filed in the local office February 24, 1869.

The case comes before the department upon the application of Cox to file for the tract in question, made December 18, 1876.

From the evidence submitted, I am of the opinion that Cox made a valid pre-emption settlement upon the tract in March, 1871. He has resided thereon since, and has improvements to the value of \$2,000.

Mr Cox testifies that he made inquiries at the local office on or about the 15th of May, 1871, in regard to the land, and was told by the register that it was not in the market, and that all he could do was to occupy the land until it was surveyed; that he inquired again at the office two years later, and was then informed that it belonged to the railroad company.

Without expressing an opinion at this point on the subject of laches on the part of the pre-emption claimant, we should, in my opinion, determine the more important question, Is the company in the position to dispute the claim of the settler; or, in other words, is not the question one wholly between the claimant and the government?

The 3d and the 18th sections of the act of July 27, 1866, granted to the Southern Pacific Railroad Company a certain quantity of land to aid in the construction of its road, designated by odd-numbered sections, to the extent of ten alternate sections per mile on each side of said railroad, "whenever, on the line thereof, the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from pre-emption or other claims or rights, at the time the line of said road is designated by a plat thereof, filed in the office of the Commissioner of the General Land Office."

The plat of general route was filed in the land office April 3, 1871. At that time the tract in question was not free from a pre-emption claim or right, for the reason that prior to that date, viz, on the 20th of March, 1871, the applicant, S. C. Cox, had initiated a valid pre-emption claim thereto by making a settlement thereon.

This claim was initiated in the manner provided by law, viz, by settlement. The statute also allowed the settler a given period within which to file the notice of his claim, and until the expiration of that period the claim was a valid one by virtue of the settlement. If valid at that time, the land did not pass under the grant, and the failure of the settler to give the notice required by the statute does not work a forfeiture of his right under the rule established in the case of *Johnson vs. Towsley*, which has been followed for so long a time by this department.

Counsel for the company assert, that by reason of the failure of Cox to file his declaratory statement and to make payment for the land, he has forfeited his claim, and in support of this view various decisions of the Supreme Court are cited, and especially the decision in the case of *Water Company vs. Bugbey* (6 Otto, 165).

In this case the Water Company asserted that the claim which Bugbey had to the land in question, at the time the grant to the State took effect, excepted said tract from the operation of the grant.

The court found that Bugbey abandoned his claim under the pre-emption law, and held that in view of that fact the grant to the State became operative.

The same rule was followed in my decision in the case of *Gates vs. California and Oregon Railroad Company*, as in that case Warren, the first pre-emption settler, had abandoned his claim, and that Gates, a subsequent settler, could not base a right upon a claim which had been abandoned.

In the case under consideration, however, the facts are different. At the time the railroad grant took effect, Cox had a valid pre-emption claim to the land, and from the evidence submitted I do not think it can be properly held that he has ever abandoned that claim. It is true that his declaration was not placed on file within the time required by law. He swears positively, however, that he made application at the land office within the statutory period and was misinformed as to his rights and privileges.

His failure to perfect his claim under the pre-emption law was evidently the result of the erroneous information given to him by an officer of this department, and the government is not in position to take advantage of his laches, even if he is guilty of laches.

Congress made a liberal grant to the railroad company, but while it did that, it at the same time intended to protect the rights of settlers, giving to the company indemnity for lands thus lost.

Reasonable construction should be given to the law and to the decisions of the court in order to carry this intention into effect. I do not think that a rejection of the right gained by the applicant by means of his settlement can be justified by a correct interpretation of the decision of the court in the case relied upon by counsel for the reason, as before stated, that in said case the court was considering the right of a third party based upon an abandoned claim, while in this case we are considering a claim which has not been abandoned or forfeited, unless we hold that a failure to file a declaration within a prescribed period is a forfeiture; and, in the absence of a valid adverse claim, this would be contrary to the well established ruling of the department.

In order that I may not be misunderstood in the position assumed, I will repeat that at the time the grant to the company took effect, there was a valid pre-emption claim to the land initiated by settlement; that at the time the grant took effect the period allowed by the statute for filing a declaration had not expired, and that the settler has not abandoned his claim. Therefore, in view of these facts, the rule announced in the case of *Water Company vs. Bugbey*, and of *Gates vs. California and Oregon Railroad Company*, does not apply, but that the question is one between the government

and the settler, and the rule announced in the case of *Johnson vs. Towsley* must govern.

Your decision awarding the land to Cox is affirmed, and the papers transmitted with your letter of August 21, 1878, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SERRANO vs. SOUTHERN PACIFIC RAILROAD COMPANY.

1. If a settler on public land fails to assert a claim within the time and as required by the pre-emption laws, the officers of the Land Department cannot assume that he had a pre-emption claim. In the absence of evidence of an intention to claim the benefit of the pre-emption laws, no pre-emption right can be assumed to exist. "Mere occupancy of the land does not establish a pre-emption right."
2. But if an intention is proven, the failure to file the declaratory statement must, in the presence of a valid adverse claim, be considered a waiver or forfeiture of a right legally initiated. A railroad grant is a valid adverse claim.
3. If a settler does not file his pre-emption notice within the time the law requires, and after that time a valid adverse claim attaches, the preference right to purchase is forfeited, and the tract "was not appropriated, and was free from pre-emption or other claims or rights."

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 2, 1879.

SIR: I have considered the case of *Josefa Montalva de Serrano vs. The Southern Pacific Railroad Company*, involving the south half northwest quarter and west half southwest quarter section 35, township 4 south, range 6 west, S. B. M., Los Angeles, Cal., on appeal from your decision of July 17, 1878.

This tract is within the 20 mile limits of the grant to said railroad company. The withdrawal for railroad purposes took effect April 3, 1871, and the road was definitely located opposite the tract in question November 15, 1875, when the grant took effect.

The township plat was filed in local land office November 17, 1874.

On June 21, 1877, Mrs. Serrano made application to file a declaratory statement for the tract. Accompanying said application were *ex parte* affidavits asserting that she is a citizen of the United States, and has resided upon the land since the year 1835, and that she has never had the benefit of the pre-emption law.

This tract enured to the grant for the railroad company November 15, 1875, if at that time it was free from pre-emption or other claims or rights. The only claim which is alleged to have existed at said date was that of Mrs. Serrano. Was the same a pre-emption claim?

In her affidavit, Mrs. Serrano asserts that she, with her husband, settled in good faith on the tract in question in the year 1835, and that she has since resided upon the same, and made valuable improvements thereon, and that neither she nor her husband ever had the benefit of the pre-emption law.

The facts relative to the settlement of the application appear from the records of your office, and the affidavits submitted, to be as follows:

Leandro Serrano, husband of the present applicant, settled upon a rancho called "Temescal" in the year 1835. The tract in question was within the limits of this rancho. He claimed the same as a grant from the Mexican authorities. The claim was presented to the board of land commissioners October 26, 1852, and rejected by that tribunal September 18, 1855.

Serrano died, but the date of his death is not given; it was, however, prior to February 27, 1853.

It is thus apparent that the statement made by Mrs. Serrano, that she settled, with her husband, upon the tract in question in good faith in 1835, is, so far as the pre-emption law is concerned, without meaning, as her husband took possession of the rancho Temescal, alleged to contain two square leagues more or less, when the country was under the dominion of Mexico; that he died before the provisions of the pre-emption law were extended to California, and that the present applicant continued to assert a claim to the rancho as a Mexican grant until September 18, 1855.

There is nothing in the papers before me to show that Mrs. Serrano was asserting a pre-emption claim to the land at the time the grant to the company took effect. She certainly did not initiate a claim by settlement, and, after the rejection of the private grant, there is no evidence to show that she claimed the tract as a pre-emptor until long after the right of the railroad company had attached. The tract became subject to the operation of the pre-emption law in 1855, after the rejection of the private claim, and it was the duty of the occupant to assert and make known her intention of claiming the tract as a pre-emptor if she desired to do so. If she failed to perform this duty the officers of the Land Department cannot assume that she has a claim.

There must be some evidence of intention to claim the benefit of the law. This evi-

dence may consist of various acts by the settler, or the intention may be shown by declarations or assertions; but in the absence of any evidence of a pre-emption right that right cannot be assumed to exist. Mere occupancy of the land does not establish a pre-emption right.

As the case under consideration is presented, it is not shown that Mrs. Serrano ever initiated or possessed a pre-emption claim.

The case might rest here, but in view of the importance of the questions involved, it will be considered from another position.

Should it be admitted that the applicant intended to initiate a pre-emption claim to the tract when the same became subject to the operation of the statute, was it such a claim as excepted the land from the operation of the railroad grant which took effect November 15, 1875? The statute provides a way by which those claiming under it may secure its benefits, and a failure to comply with the same must, in the presence of a valid existing adverse claim, be considered a waiver or a forfeiture of a right legally initiated.

Section 2266 of the Revised Statutes requires the pre-emption claimant upon unsurveyed lands to file a declaratory statement within three months from the date of the receipt, at the district office, of the approved plat of the township embracing the pre-emption settlement.

Section 2281 of the Revised Statutes is as follows:

"All settlers on public lands which have been or may be withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to pre-emption at the ordinary minimum to the lands settled on and cultivated by them, but they shall file the proper notices of their claims and make proof and payment as in other cases."

The township plat, as before stated, was filed November 17, 1874, one year before the grant took effect. During this time no effort was made on the part of the occupant of the land to assert or perfect a claim under the pre-emption law by a compliance with its provisions in regard to filing a declaratory statement, and under a strict construction of section 2265 of the Revised Statutes her claim should be declared forfeited.

In the case of *Johnson vs. Towsley* the controversy was between two settlers, and the Supreme Court, after full consideration of the case, held that a failure to file a declaratory statement within the time required by law did not operate as a forfeiture of the right of the settler in the absence of a claim by another or a subsequent settler.

The theory of the decision is, that in the absence of an adverse claim the question is one between the government and the settler, and no one is injured by the failure of the claimant to file within the time mentioned in the statute. The reason for the doctrine is, that where no valid adverse claim exists to the tract during the time the settler is in default in filing his notice, no one is injured. The contest being between two settlers, the right of settlers only was discussed.

The law expressly provides that a pre-emption right to land may exist when it is impossible to file a notice, viz, upon unsurveyed lands, or where the township plat is not on file. The tract may be within the limits of a railroad grant, which becomes operative at a period when it is impossible for the settler to give the notice required by the statute. In such a case we have a valid pre-emption claim to the tract at the time the grant takes effect, and as a consequence it is excepted from the grant, and the question then becomes one between the government and the settler. In such a case the claim of the railroad company does not enter into the consideration of the question; and should the settler fail to file within the time required by law when the opportunity is given, but continue his settlement, and in all other respects show a compliance with the law, the company is not in a position to allege a default on the part of the pre-emptor in the matter of filing, as that question is one between said claimant and the government, not between the settler and the company; and the rule established in the case of *Johnson vs. Towsley* should be applied.

These views were stated at length in my decision of May 8 last in the case of *S. C. Cox vs. The Southern Pacific Railroad Company*. In that case Cox had a valid pre-emption claim at the time the grant became effective, inasmuch as he had made a prior pre-emption settlement, and the time allowed to file a notice thereof had not expired at that date. His claim, however, was a valid one at the time the grant took effect; hence, under the granting act, the tract was excepted, and as he continued to show a compliance with all the requirements of the law, except in the matter of filing a notice, it was held that his failure in that respect did not operate as a forfeiture under the rule above cited. Can the same rule be applied in cases where an opportunity has been afforded the settler to file a notice and assert his claim, and while he is in default an adverse right granted by Congress has attached to the land?

If no claim has been asserted, and if, under the statute, a right which might otherwise exist to a tract of land has been forfeited by reason of a failure to comply with the provisions of the statute, can it be reasonably or legally held that said tract is excepted from the operation of the grant? It certainly cannot under the statute, neither do I think it can under a reasonable or correct interpretation of the decisions of the

courts. As before stated, in the case of *Johnson vs. Towsley*, the controversy was between two settlers, and the court, in discussing the question involved, confined itself to the rights of the parties in interest, and it was held that if the first settler filed his notice before a subsequent settlement was made, or a like notice was filed by said subsequent settler, even though it was not within the time mentioned in the statute, he was protected, as no other party was injured by the delay.

There can be but one conclusion drawn from the decision, however, and that is, if the first settler fails to file the notice required within the time specified, and a subsequent claimant files the notice as required by law, the right of the first settler under the statute is forfeited.

There is nothing, however, in the decision to justify the conclusion that a different rule is to be applied in the event of any subsequent valid, adverse claim which attaches after the forfeiture provided in the statute has taken effect. The courts have, in a line of decisions running back to the date of the organization of our government, recognized the Constitutional right of Congress to dispose of the public domain by grant. In general, railroad grants are held to be grants *in presenti*, but the lands upon which they operate are not identified until certain conditions are performed. The language of the granting act applicable to the case under consideration is as follows:

"That there be, and hereby is, granted to the Southern Pacific Railroad Company * * * every alternate section of public land, not mineral, designated by odd numbers, * * * to the amount of ten alternate sections of land per mile on each side of said railroad whenever it passes through any State, and whenever on the line thereof the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from pre-emption or other claims or rights at the time the line of said road is designated by a plat thereof filed in the office of the Commissioner of the General Land Office."

The tract of land in question was one designated as above, and became identified when the line of the road was designated by a plat thereof, filed in your office November 15, 1875. At that time the United States had full title to the land, and the only claim to the same was that of Mrs. Serrano. If said claim was legally initiated under the statute, it was simply the preference right to purchase the land, and in order to preserve this right all the requirements of the law must be complied with.

This is a doctrine well established by the decisions of the Supreme Court (9 Wall., 187; 15 *Ib.*, 77; 6 Otto, 513). As Mrs. Serrano failed to comply with the requirements of the law, inasmuch as she did not file the notice required within the time allowed by the statute, and after the expiration of that time a valid adverse claim attached, it must be held that said preference right to purchase had been forfeited, and at the time the line of route was designated the tract in question was not appropriated, and was free from pre-emption or other claims or rights.

For this reason and for the further reason that Mrs. Serrano did not settle on the land as a pre-emptor, and had not asserted such a claim at the time the grant took effect, the tract passed under the grant to the company, and her application must be rejected.

The papers in the case are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

Supreme Court of the United States. October Term, 1878.

MICHAEL RYAN, APPELLANT,

vs.

No. 983.

THE CENTRAL PACIFIC RAILROAD COMPANY.

Appeal from the circuit court of the United States for the district of California.

The right to indemnity for lands lost within the limits of a grant to a railroad attaches from date of selection.

Newhall *vs.* Sanger (2 Otto, 761) applies only when the adverse claim is undisposed of or when the grant would otherwise take effect.

After the removal of a Mexican grant to lands within the secondary or indemnity territory of a grant, they may be selected to satisfy deficiencies in the primary or granted limits.

Mr. Justice SWAYNE delivered the opinion of the court:

After this case was submitted to the court upon printed arguments by the counsel of the parties, the Attorney General expressed a wish to be heard in behalf of the United States, and an oral argument was thereupon ordered. The case was argued in that way, fully and ably, by that officer and by the counsel for the appellee, and I am directed now to deliver the opinion of the court.

There is no controversy about the facts.

By the act of Congress of July 25, 1866, Congress granted certain lands to the Cal-

ifornia and Oregon Railroad Company. The appellee claims under that grantee, and has succeeded to its rights. At the date of the act there was pending a claim for the confirmation of a Mexican grant, which embraced within its boundaries the premises in controversy between these parties. The appellant insists that he has a paramount title, not under, but by reason of this claim, as will hereafter appear.

The second section of the act referred to is as follows:

"Section 2. And be it further enacted, that there be, and hereby is, granted to the said companies, their successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions or war, and public stores, over the line of said railroad, every alternate section of land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile (ten on each side) of said railroad line, and when any of said alternate sections, or parts of sections, shall be found to have been granted, sold, reserved, occupied by homestead settlers, pre-empted, or otherwise disposed of, other lands, designated as aforesaid, shall be selected by said companies in lieu thereof, under direction of the Secretary of the Interior, in alternate sections designated by odd numbers as aforesaid, nearest to and not more than ten miles beyond the limits of said first-named alternate sections," &c. (14 U. S. Stats. at Large, pp. 239, 240.)

Under this statute when the road was located and the maps were made, the right of the company to the odd sections first named became *ipso facto* fixed and absolute. With respect to the "lieu lands" as they are called, the right was only a float and attached to no specific tracts until the selection was actually made in the manner prescribed.

On the 3d of March, 1873, the alleged Mexican grant was declared invalid by this court and finally rejected. On the 30th of October, 1874, it was found that there was not enough of the alternate odd sections within the forty-mile limits to satisfy the grant to the railroad company. On that day the appellee selected the land in question. Though not within the primary limits, it was within the ten-mile indemnity limits prescribed in the act, and was intended in so far to supply the deficiency within the former. The selection was approved by the local land officers on the 26th of December, 1874. This approval was confirmed by the Secretary of the Interior, and a patent in due form was issued to the appellee on the 17th of March, 1875. At the time of the selection the premises were public land. The Mexican claim had been rejected by this court more than a year and a half before, and the land was not within any exception expressed or implied in the act. Afterward, on the 14th of July, 1876, the appellant being in all respects qualified, filed an application in due form to be allowed to enter the land in question under the homestead act of 1862. He paid the proper fees and received a duplicate receipt from the register and receiver of the land office of the district. He filed this bill to restrain the appellee from availing itself of the patent, upon the ground that the land was not subject to selection in lieu of the deficit of odd sections within the forty-mile limits specifically granted by the act.

After this plain statement of the case it is difficult to imagine any defect that can exist in the title of the appellee, or any right, legal or equitable, that the appellant can have.

But it is said the case is within the principle established in *Newhall vs. Sanger*, 92 U. S., 761, and must be controlled by that adjudication. This is the sole objection to the appellee's title and it is founded in a mistake. The two cases are distinguishable by a broad line of demarkation.

In the former case the lands covered by the false Mexican claim were situated within the limits of the territory where the right of the company attached to the odd designated sections granted when the road was located and the requisite maps were made. At that time the claim was in litigation and *sub judice*. The court held that, under these circumstances, the premises were not "*public land*," within the meaning of the law, and could not become such until the title of the government was vindicated by the defeat of the claim, and that the patent issued to the railroad company was, therefore, void.

After the Mexican claim was disposed of and before a new appropriation was made or attempted to be made by the company, the junior patent was issued to another party, and it was held that he had a valid title. The Mexican claim was finally rejected by this court on the 13th of February, 1865. It was insisted by the company that the judgment should be held to relate back to the first day of the term so as to disembarass the title of the claim as of that date. This was refused. The court said, "to antedate the rejection of a claim so as to render operative a grant which would be otherwise without effect, does not promote the ends of justice and cannot be sanctioned." It was admitted by clear implication that if the lands had been thus disembarassed at the date of the grant, or their withdrawal from sale, the elder patent would have been valid.

Again, speaking of lands embraced in such claims, the court says expressly, "they were regarded as forming a part of our public domain only after the claim covering them had been finally rejected." * * * "They then became *public* in the just meaning of that term and were subject to the disposing power of Congress."

Here the land was not a part of the alternate odd sections specifically granted. It was not within the limits of that territory. There, there was a deficiency.

It was within the secondary or indemnity territory where that deficiency was to be supplied. The railroad company had not and could not have any claim to it until specially selected, as it was, for that purpose. It was taken to help satisfy the grant to the extent that the odd sections originally given failed to meet its requirements. When so selected there was no Mexican or other claim impending over it. It had ceased to be *sub judice*, and was no longer in litigation. It was as much "public land" as any other part of the public domain. The patent gave the same title to the appellee that a like patent for any other public land would have given to any other party. The Mexican claim, when condemned, lost its vitality. From that time, as regards the future, it ceased to be a factor to be considered, and was in all respects as if it had never existed. In this state of things the appellee acquired its title, and that title is indefeasible.

Newhall *vs.* Sanger applies only where the adverse claim is undisposed of when the grant would otherwise take effect. It has no application as to the future after the claim has ceased to exist.

The decree of the circuit court is affirmed.

BLODGETT *vs.* THE CALIFORNIA AND OREGON RAILROAD COMPANY.

The ruling of the Land Department heretofore, to the effect that the grant to a railroad company takes effect upon lands within the *indemnity* limits at the same time it does upon lands within the *granted* limits, is erroneous.

The right of the company to *lieu* lands is only a float, and attaches to no specific tracts until the selection is actually made in the manner prescribed.

A pre-emption claim for a tract of land falling within the indemnity limits of a railroad grant, although made subsequent to date of withdrawal, is capable of being perfected should the company fail to select said tract as *lieu* land upon the adjustment of its road, but such pre-emption claim is incapable of perfection so long as the road remains unadjusted.

DEPARTMENT OF THE INTERIOR,

Washington, April 7, 1879.

SIR: I have considered the case of Philip Blodgett *vs.* The California and Oregon Railroad Company, involving the southeast quarter of southeast quarter of section 21, and north half of northwest quarter of section 27, township 33 north, range 1 west, Shasta, Cal., on appeal from your decision of April 5, 1877, allowing Blodgett to file a declaratory statement for said tract.

The tract is within the indemnity limits of the grant to the above named railroad company. The road was definitely located opposite the tract in question September 13, 1867. There may be some question as to the date of withdrawal of the tract above described. It is not material, however, in considering the case before me, to determine whether the withdrawal took effect at the date of the receipt of the letter from your office, dated October 29, 1867, at the local office, which was November 25, 1867, or whether the order took effect at the date of the receipt of the letter written by your office, dated September 25, 1868, at the local office, which date is not given.

It does not appear that the tract in question has been selected by the railroad company, in *lieu* of land lost in place.

You held that the grant took effect September 13, 1867. On that point your decision was in accordance with the ruling of the Land Department in force at that time. You also held that at the time the grant took effect, one Thomas Arthur had a valid pre-emption claim to the tract, which excepted it from the operation of the grant. On this point I think you erred. The evidence of Mr. Arthur himself shows that he was a citizen of the United States; that he occupied the land from 1863, to the fall of 1869, when he sold his improvements and abandoned the land; that at the time he occupied the land he was not the owner of 320 acres, and that he never had the benefit of the pre-emption law. There is no evidence to show that he did not leave land of his own to settle upon the tract in question, neither is there any proof that he ever claimed said tract as a pre-emptor, nor that he intended to assert a pre-emption claim to the same. He was a mere occupant of the land, which he abandoned when it was for his interest to do so, and he in no sense possessed a valid pre-emption claim to the tract at the date of withdrawal, nor at the time the road was definitely located.

Other important questions, however, arise in the consideration of this case. It has been for many years the ruling of the Land Department that the grant to a railroad company takes effect upon lands within the indemnity limits at the same time it does upon lands within the granted limits.

In the recent case of Michael Ryan *vs.* The Central Pacific Railroad Company the Supreme Court of the United States, after quoting the granting act, say: "Under this statute, when the road was located and the maps were made, the right of the company to the odd sections first named became *ipso facto* fixed and absolute. With respect to the 'lieu lands,' as they are called, the right was only a float and attached to no specific

tracts until the selection was actually made in the manner prescribed. * * * It was within the secondary or indemnity territory where that deficiency was to be supplied. The railroad company had not and could not have any claim to it until specially selected, as it was, for that purpose. It was taken to help satisfy the grant to the extent that the odd sections originally given failed to meet its requirements." The tract in controversy before the court and the tract under consideration in the present case were both claimed under the provisions of the same granting act, and in view of the decision of the court it must be held that the grant will not operate upon the latter tract of land until the same has been selected in the manner provided by law in satisfaction of land lost in place. The evidence shows that Blodgett, the present applicant, settled upon the land in 1871, and he claims the land under the provision of the pre-emption law. Was the land subject to pre-emption settlement at that time?

In the second section of the act of Congress approved July 25, 1866, after designating the grant in place, and providing for the indemnity limits, it is expressly provided that "as soon as the said companies, or either of them, shall file in the office of the Secretary of the Interior a map of the survey of said railroad, or any portion thereof, not less than sixty continuous miles from either terminus, the Secretary of the Interior shall withdraw from sale public lands herein granted on each side of said railroad, so far as located and within the limits before specified."

In accordance with the provisions of this statute the land in question was withdrawn by the officers of the Land Department from sale or pre-emption settlement long prior to the settlement of Blodgett, whether we consider the tract withdrawn by the letter from your office dated October 29, 1867, or September 25, 1868; hence the present occupant of the land could not initiate a pre-emption claim in 1871. Neither can he obtain relief under the second section of the act of April 21, 1876, as the claim of Arthur was not a valid pre-emption claim at the date of withdrawal; neither has the entry of Blodgett been allowed under the ruling of the Land Department; hence it does not come within the provisions of the confirmatory statute.

Should the tract in question not be required in satisfaction of land lost in place I see no reason why the claim of Blodgett may not be perfected, upon showing a full compliance with the law; this, however, cannot be done while the grant to the company remains unadjusted.

Your decision is reversed, and the papers in the case are herewith returned.

C. SCHURZ.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

TURNER vs. ATCHISON, TOPEKA AND SANTA FÉ RAILROAD COMPANY.

The provisions of the act of April 21, 1876, were not considered in the Secretary's decision of 11th January, 1879, in case of Gates vs. California and Oregon Railroad Company.

Under the act of April 21, 1876, if at the time the notice of withdrawal for the company was received at the local office a valid pre-emption or homestead claim existed on the granted lands which was afterwards abandoned, the land so abandoned could be entered by another party; but under the Gates decision, above referred to, if the land claimed by the original pre-emptor was abandoned prior to the date when the notice of withdrawal was received at the local land office, then said abandoned land inured to the railroad grant.

In adjudicating applications which arise under the act of 1876, the term "valid pre-emption claims," in said act, must be interpreted to signify claims recognized and regarded as valid in themselves by the Land Department.

A settlement illegal at its inception is not created "a valid pre-emption claim" by simply being in existence at the date of withdrawal for the railroad company; it must possess all the other essential elements of legality.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 21, 1879.

SIR: I am in receipt of your letter of the 11th instant, relative to the hearing ordered in the case of W. W. Turner, an applicant for the restoration of his pre-emption entry of the northeast quarter of section 13, township 26 south, range 1 west, Wichita land district, Kansas.

It appears that a hearing has been ordered for the purpose of ascertaining the facts relative to the pre-emption settlement of William Dibbs, as it is alleged that he settled upon the land November 1, 1869, and resided thereon until April 3, 1871, when he abandoned the claim.

The tract is within the limits of the grant for the Atchison Topeka and Santa Fé Railroad Company. The notice of the withdrawal of lands for said grant was received at the local land office November 4, 1869. Turner, the present occupant, alleges that Dibbs had a valid pre-emption settlement at the date of said withdrawal, hence the order for a hearing to ascertain the facts in the case, in order that the provisions of the second section of the act of April 21, 1876, may be considered in connection with the application for the reinstatement of the entry of Turner. The second section of the act of April 21, 1876, is as follows:

"That when at the time of such withdrawal, as aforesaid, valid pre-emption or home-

stead claims existed upon any lands within the limits of any such grants, which afterward were abandoned, and, under the decisions and rulings of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, and shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto."

The plat of survey of the township was filed in the local office July 1, 1871.

N. S. Goss, esq., attorney for the railroad company, protests against the order for a hearing, upon the ground that Dibbs abandoned his claim to the land prior to the survey thereof, and that Turner can base no right to the premises upon said claim, and cites, in support of his position, my decision, dated the 11th ultimo, in the case of *T. H. Gates vs. The California and Oregon Railroad Company*. In the latter case Warren, the first pre-emption settler, abandoned the land before the order of withdrawal was received at the local office; hence the facts were not the same as in the case of Turner, and the Gates case was decided without any reference to the act of April 21, 1876.

I am of the opinion that the objection of Mr. Goss is not well taken, and the same might be overruled without any further discussion of the case. In view of the fact, however, that many cases will no doubt come before your office for adjudication in which it will be alleged that the rule established in the Gates decision must prevail, I deem it proper to refer to the act of April 21, 1876, in the adjudication of applications presented under the provisions of said act.

It will be observed that the second section of the act is clear and unambiguous in its terms. It states that if at the time the notice of withdrawal was received at the local office a valid pre-emption or homestead claim existed on a tract of land, and said claim was afterwards abandoned, and the land was entered by another under the rulings and decisions of the Land Department, said entries should be deemed valid.

This act was passed by the legislative branch of the government; it is still in force, and in all cases where the facts and conditions recited in the act exist the provisions of the statute must be obeyed.

The Gates decision cannot be properly cited as holding a different view from that expressed above. It has been frequently stated that each case must depend upon its merits, and must be governed by the facts shown to exist.

The provisions of the act of April 21, 1876, could not be applied in the Gates case, for the reason before stated, viz: Warren, the first pre-emptor, abandoned the land before the notice of withdrawal was received at the local office. That case was decided in accordance with the law and decisions of the Supreme Court. Cases which arise under the act of 1876 must be adjudicated by this department in accordance with what is considered the correct interpretation of said act, until the highest judicial authority announces a different interpretation.

To illustrate my view on this point, I will again refer to the Gates case. Had Warren, the first pre-emptor, continued his residence upon the tract in question until the notice of withdrawal was received at the local office, two of the conditions, at least, recited in the second section of the act of 1876 would have existed, viz, a valid claim at the date of withdrawal and a subsequent entry by Gates; and if, in addition to these two conditions, the third had existed, viz, an entry under the rulings and decisions of the Land Department, Gates would have had a claim which could have been adjudicated under the provisions of the second section of the act of 1876.

In my opinion, this is not the proper stage of the proceedings to consider the objection of Messrs. Britton & Gray. In reality, their objection is to the reinstatement of the entry of Turner, upon the ground that it was not allowed under the rulings and decisions of the Land Department. That raises a question of fact, and there is no evidence before me upon which to determine the question. I am of the opinion, therefore, that judgment on that point should not be rendered in a case until all the facts are ascertained and the same is presented for final determination.

There is, however, another very important point which arises in the consideration of the case submitted by you. If we admit, as true all the allegations made by Turner in relation to the settlement of Dibbs, has Turner a claim under the second section of the act of April 21, 1876, which this department can consider?

The Atchison, Topeka and Santa Fé Railroad was definitely located opposite the tract in controversy prior to July 13, 1869. The right of the company attached to the land at that date, unless the same was excepted from the operation of the grant, by reason of a prior sale, or a prior reservation by the United States, or by reason of a homestead or pre-emption right existing thereto, or unless in adjudicating a claim to the land we are obliged, under the provisions of an act of Congress, to reject the claim of said company. The records do not show that the tract had been sold, reserved, or occupied by a pre-emption or homestead claimant prior to July 13, 1869; hence it inured to the grant at that date. This doctrine is settled not only by a long series of departmental rulings, but by the decision of the Supreme Court of the United States. In the case of *Leavenworth, Lawrence and Galveston Railroad Company vs. United States* (2 Otto, 733), the court say, "'There be and is hereby granted' are words of absolute

donation and import a grant *in presenti*. This court has held that they can have no other meaning; and the Land Department, on this interpretation of them, has uniformly administered every previous similar grant. (*Railroad Company vs. Smith*, 9 Wall., 95; *Schulenberg vs. Harriman*, 21 *id.*, 60; 1 Lester, 513; 8 Opin., 257; 11 *id.*, 47.) They vest a present title in the State of Kansas, though a survey of the lands and a location of the road are necessary to give precision to it and attach it to any particular tract. The grant then becomes certain, and by relation has the same effect upon selected parcels as if it had specifically described them." In the case under consideration, the grant was made by the act of Congress approved March 3, 1863, when the tract was unappropriated public land of the United States. The grant became certain when the location of the road was fixed, July 13, 1869. If the tract inured to the grant for the railroad company and a right had vested under that grant prior to November 1, 1869, the settlement of Dibbs on that day was without authority of law, and his pre-emption claim to the land was invalid. I do not think these propositions will be seriously questioned.

By the first section of the act of April 21, 1876, it was provided in express terms that a pre-emption or homestead entry made prior to the receipt of the order of withdrawal at the local office, where the settler had complied with the law and made due proof thereof, should be confirmed and patents should issue. Nothing is said in this section in relation to a valid claim; it simply confirms entries made under certain circumstances.

The second section, however, provides that in cases where a valid pre-emption claim existed to a tract of land at the date of withdrawal, which claim was abandoned and the tract was entered under the ruling of the Land Department, the second entry should be confirmed.

It must be presumed that Congress acted intelligently in the consideration of the questions before it, and while it provided in the first section that certain entries should be confirmed, it used equally as explicit language in the second section in defining the nature of the claim which must exist at the date of the withdrawal upon which a subsequent settler might base a right to said land. It must have been a *valid* claim; in other words, one recognized by the law as valid. To illustrate this point: Had Dibbs made a valid settlement prior to the date of definite location and continued the same until after the date of withdrawal, Turner would have a claim recognized by the second section of the act of 1876, viz, one based upon the valid pre-emption claim of Dibbs in existence at the date of the withdrawal, and said claim would have to be adjudicated under the provisions of the said act of 1876, and not according to the rule announced in the case of *Gates vs. The Railroad Company*, as in that case the vital element of a valid claim to the land in existence at the date of withdrawal was wanting.

In adjudicating applications which arise under the act of 1876, the term "valid pre-emption claims" in said act must be interpreted to signify claims recognized and regarded as valid in themselves by the Land Department.

A settlement, illegal at its inception, is not created "a valid pre-emption claim" by simply being in existence at the date of withdrawal; it must possess all the other essential elements of legality.

As it is not alleged that Dibbs settled upon the land until subsequent to the definite location of the road, he did not possess a claim upon which Turner, the present applicant, can base any right, hence no advantage can accrue to either party by subjecting them to the expense of a hearing, and I would therefore suggest that the order for the same be revoked.

The letter of Mr. Goss is herewith returned,

Very respectfully,

C. SCHURZ, *Secretary*.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

WEBER *vs.* WESTERN PACIFIC RAILROAD COMPANY.

1. To constitute a "valid pre-emption claim," within the meaning of section 2 of the act of April 21, 1876, the prior claimant must have possessed the requisite qualifications, and have met the essential requirements of the laws under which he claimed.
2. Failure of a claimant to appeal from the decision of a register and receiver conclusive as to his rights.
3. Mere occupancy of land not a valid pre-emption claim.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 14, 1879.

SIR: I have considered the case of Conrad Weber, heir of Gabriel Weber, deceased, *vs.* The Western Pacific Railroad Company, involving the southwest quarter of section 5, township 5 north, range 7 east, M. D. M., Stockton, Cal., on appeal from your decision of July 29, 1878.

This tract is within the twenty-mile limits of the grant to said company, which took effect March 10, 1868. The land was withdrawn January 31, 1865.

The township plat was filed in the local office February 5, 1861.

I concur with you in the view that at the time J. F. Short initiated his pre-emption claim in 1860 or 1861, he was a qualified pre-emptor, and might have perfected the same. He did not do so, however. If it be held that he abandoned the land after the same had been withdrawn for railroad purposes, and after the grant to the railroad company took effect, under the rule established in the case of *Gates vs. The California and Oregon Railroad Company* (Copp's Land Owner for January, 1879), the tract will enure to the company, unless it is excepted therefrom by the positive provisions of an existing statute. If it be held that he abandoned his claim before the grant took effect, the land enured to said grant by the operation of law, unless it was excepted by means of the provisions of a special statute.

You held that the claim of the said Short was a valid one at the date of withdrawal in 1865, and at the date the grant took effect in 1868. If this view is correct, Weber, the present occupant, has a claim which should be adjudicated under the provisions of the second section of the act of April 21, 1876.

Did Short have a valid pre-emption claim at the date of withdrawal?

To answer this question affirmatively, it must be shown that he not only possessed the requisite qualifications, but it must be shown that he complied with all the essential requirements of the statute in the matter of presenting his claim and in his efforts to perfect the same.

The evidence shows that he made application to file declaratory statement in the spring of 1861. The presumption is that this application was made within the time required by the statute. It was refused by the local officers on the ground that said tract was within the claimed limits of a private grant. You state that the records of your office do not show that said tract was ever within the limits as alleged. That, however, is a question of fact which is not material to the present consideration of the case. From the decision of the local officers, Short had his remedy by appeal to your office, where the decision of the local officers, if erroneous, could have been overruled.

He did not take such an appeal, and his failure thus to do must be considered a waiver of his claim and an abandonment of the same. This is the well-established rule of the Land Department, which has been followed for many years. (*Copp's Land Laws*, pp. 298 and 314; *Eaton vs. Cal. and Oregon R. R. Co.*; *Copp's Land Owner* for April, 1878; *Faury vs. Lansdale, id.*, vol. 4, p. 179.)

The correctness of this rule is recognized by the Supreme Court in the recent case of *Moore vs. Robbins* (6 Otto, 530), wherein the court in discussing the authority of the officers of the Land Department, the finality of their decisions, and the doctrine announced in the case of *Johnson vs. Towsley*, and in other cases, say: "That the decision of the officers of the Land Department, made within the scope of their authority on questions of this kind, is, in general, conclusive everywhere, except when reconsidered by way of appeal within that department."

It follows that the register and receiver, having authority to determine the right of Short to perfect his pre-emption claim, and having decided adversely to him in the absence of an appeal, said decision became final and conclusive everywhere. It being thus pronounced invalid by a tribunal authorized by law to pronounce judgment, it is not within the power of the officers of the Land Department, at this late day, to clothe with the attributes of validity a claim which was pronounced by the proper officers invalid eighteen years ago. If Short, the applicant in 1861, should, at this time, present himself before the department, and show that no adverse right to the land existed, and request a confirmation of his claim, it could only be granted by reason of a certain equitable jurisdiction conferred upon a board of officers created for a specific purpose.

I do not, however, think it will be seriously asserted that it is the duty of an executive officer, in order to benefit a subsequent settler, to pronounce a claim valid in 1835 which, under the law, had become invalid four years prior to that date.

It must be presumed that Congress employed the words "valid pre-emption claim," in the second section of the act of April 21, 1876, with a full knowledge of the correct meaning of the same. The words designate claims capable of being perfected at the date of withdrawal. The period allowed Short to perfect his claim had expired long prior to that date.

By reason of his failure to appeal from the decision rejecting his pre-emption claim, he can only be considered as a settler upon or occupant of the land at the date of withdrawal. In no sense can he be considered as one possessing a valid pre-emption claim, as, at that time, he did not possess a claim capable of being perfected under the law. Had Congress, instead of employing the words "valid pre-emption claims," in the section of the act above cited, used words indicating that the claims of subsequent settlers, who had entered upon lands occupied at the date of withdrawal by a citizen, or who had declared his intention to become such, a different state of facts would be presented. We must, however, execute the law as we find it.

Each application for confirmation, under the act of 1876, depends upon its merits; each case must be adjudicated according to the facts. Had Short failed to present his application to file his declaratory statement, or failed to assert his claim, but had continued his residence upon the tract until after withdrawal, and in the mean time the right of no adverse settler had intervened, a different state of facts would have been presented.

It is not intended to assert the doctrine that because a settler fails to file a declaratory statement, or make proof and payment for land, within the time mentioned in the statute, in the absence of an adverse right, he forfeits his claim, or that it becomes one not capable of being perfected.

In the present instance it must be held that Short did not have a valid pre-emption claim at the date of withdrawal, as, by his own act, he had waived and abandoned his claim initiated under the provisions of the pre-emption law.

Your decision is therefore reversed, and the papers transmitted with your letter of November 20, 1878, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

STARKWEATHER vs. ATCHISON, TOPEKA AND SANTA FÉ RAILROAD COMPANY.

1. The law governing pre-emption or homestead entries within railroad grants requires that there shall be a valid claim at the date of the withdrawal at the local office; that the land shall be re-entered under the rulings of the Land Department, and that the claimant shall comply with the law under which he claims.
2. In order to make a matter *res judicata* there must be an identity of the thing, the cause, the persons, and the quality of the persons for or against whom the claim is made.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 4, 1879.

SIR: I have considered the case of A. D. Starkweather vs. The Atchison, Topeka and Santa Fé Railroad Company, involving the northwest quarter, section 35, township 19 south, range 3 east, Salina land district, Kansas, on appeal from your decision of June 29, 1878, adverse to the right of Mr. Starkweather.

The following are the facts of this case:

By the notice of withdrawal of March 19, 1863, received at the local office May 4, 1863, this tract was embraced within the ten-mile limits of said proposed road, but on definite location thereof by actual survey, May 18 to July 13, 1869, it fell within the indemnity limits. The map of definite location of said road was filed in your office on September 3, 1869, and upon this location a withdrawal was ordered by letter dated October 23, 1869, received at the local land office on November 3, 1869.

Philip Frank made homestead entry No. 124 (Junction City series) for said tract on March 20, 1863, and said entry was canceled by your office on March 2, 1872, because the claimant had failed to make final proof within seven years from the date of entry, as required by law.

On March 14, 1872, A. D. Starkweather re-entered the said tract, per homestead entry No. 12479.

Prior to the cancellation of Frank's entry, viz, on June 24, 1871, counsel for the railroad company applied to have said entry canceled and the land awarded to the road, and this application was submitted by your predecessor, Mr. Commissioner Drummond, for the action of this department on September 21, 1871.

On May 1, 1872, Assistant Attorney-General Smith rendered an opinion, on the application of the company, in which he decided that Frank's entry was not a valid and subsisting claim at the time the right of the road attached, inasmuch as the record presented by the company showed that he had never settled upon and improved the land. He also expressed the opinion that the entry should be canceled and the company allowed to select the land as indemnity. This opinion was adopted by my predecessor, Hon. C. Delano, on August 1, 1872.

On application of the railroad company the entry of Starkweather was canceled by your office on December 18, 1872, for the reason that the tract was in controversy with the railroad company at the date of said entry; and also because it had been awarded to the road by the decision above mentioned.

Said tract was certified to the State of Kansas for the benefit of said company on November 11, 1873.

On March 15, 1877, Mr. Starkweather made final homestead proof, showing a full compliance with the requirements of the law, and on June 17, 1878, he made application to have his entry reinstated under section two of an act of Congress approved April 21, 1876, entitled "An act to confirm pre-emption and homestead entries of pub-

lic lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department."

You decided that as the entry of Philip Frank was decided by Secretary Delano to have been invalid at the time the right of the road attached, the land was not re-entered by Starkweather "under the decisions and rulings of the Land Department," and you therefore rejected Mr. Starkweather's application.

In this I think you erred.

The section of the act of April 21, 1876, under which this application is made, is as follows:

"SECTION 2. That when at the time of such withdrawal, as aforesaid, valid pre-emption or homestead claims existed upon any lands within the limits of any such grants, which afterwards were abandoned, and *under the decisions and rulings of the Land Department* were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, and shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto." (19 Statutes, p. 35.)

The prerequisites of this statute are:

First. That a valid pre-emption or homestead claim to the land shall have existed at the date of the receipt of the notice of withdrawal at the local land office.

Second. That the land shall have been re-entered under decisions and rulings of the Land Department.

Third. That the claimant shall have complied with the law under which he claims, and has made proper proofs of that fact.

When these three things concur, the law says "such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto." The proofs show that Starkweather has complied with the requirements of the homestead laws, as to residence upon and cultivation of the land, and that question need not be further considered.

It will be readily admitted, unless the decision of Secretary Delano is final and conclusive upon the question of the invalidity of Frank's entry, that under the present rulings of the department said entry would, unless it was absolutely void at its inception, have excepted the land from the railroad grant; and the first question presented is whether said decision renders this question *res judicata*.

The decision of your office of March 2, 1872, canceling Frank's entry, appears to have been regularly made, and to have been acquiesced in by him. It was perfectly competent for your predecessor to cancel the entry on the facts before him, and his action in the premises, in the absence of an appeal or protest by Frank, was a final adjudication of the case, in strict conformity to law and the regulations of your office.

On April 28, 1871, my predecessor, Hon. C. Delano, decided in the case of *Boyd vs. Burlington and Missouri River Railroad Company* (Copp's Land Laws, p. 392) that the lands covered by a homestead claim at the date of the definite location of the road were excepted from the grant to the company, and subject to re-entry under the homestead laws.

This ruling was in full force at the time Mr. Starkweather made his entry, and unless Secretary Delano's decision of August 1, 1872, holding Frank's entry to have been invalid at the date of definite location, was a final adjudication of that matter, then it is obvious that Starkweather's entry was made under the "decisions and rulings of the Land Department."

The railroad company applied to have Frank's entry canceled on June 14, 1871, but final action was not taken on said application until August 1, 1872, and in the meantime the entry had been lawfully canceled by your office, and the land re-entered by Starkweather, under the Boyd decision. This was the *status* of the matter when Secretary Delano took up the application of the company, and decided that Frank's entry was not valid and subsisting at the date of the definite location of the road, and directed that it should be canceled and the company allowed to select the land as indemnity.

It is clear that the facts of the case were not known to Secretary Delano or he would not have ordered the cancellation of an entry which had already been lawfully cancelled; it is also clear that his decision upon this point was without force or effect, for he directed an entry to be canceled which did not then exist. No attention appears to have been given to this part of the Secretary's decision, for the records of your office now show that the entry was canceled on March 2, 1872.

The law is well settled that in order to make a matter *res judicata* there must be a concurrence of four conditions, viz:

1. Identity of the thing sued for.
2. Identity of the cause of action.
3. Identity of persons and of parties to the action.
4. Identity of the quality in the persons for or against whom the claim is made. (2 Bouv., p. 465.)

Measured by these rules it is manifest that Secretary Delano's decision was not a final adjudication of the case. The parties to the original application were the railroad

company and Frank. After Frank's entry was canceled the application was purely *ex parte*, and was acted upon in this shape by my predecessor. The case was decided upon the *ex parte* showing of the company, and Starkweather, the real party in interest, was not made a party to the record or allowed an opportunity to controvert the allegations of the company that Frank's entry was void *ab initio*.

I am of opinion, therefore, that said decision was not conclusive as between the company and Starkweather; as between these parties the question must be considered as if it was now presented for the first time.

Frank's entry was made on March 20, 1863, and was a subsisting claim for the period of six months thereafter, without any act of settlement on his part; and as the notice of withdrawal was received at the local office during that period, it follows as a legal conclusion that said entry was a valid one at that time, within the intent and meaning of section 2 of the act of April 21, 1876.

I am, therefore, of opinion that Mr. Starkweather's entry is confirmed and must be reinstated and a patent issued for the land.

Your decision is reversed for the reasons stated, and the papers transmitted with your letter of November 30, 1878, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

CENTRAL BRANCH UNION PACIFIC RAILROAD COMPANY *vs.* KANSAS PACIFIC RAILROAD COMPANY.

It is essential to the valid execution of a patent for lands that it be signed in the name of the President, sealed with the seal of the General Land Office, and countersigned by the recorder. The grant conveyed by such a patent does not pass from the government until it has been issued, delivered to, and accepted by the party in whose favor it is executed; and upon failure of acceptance the patent is under the jurisdiction of the department and may be canceled, thus placing the land in the same condition as before the patent issued.

In cases in which grants of land are made by the same acts of Congress to two different railroad companies, which acts impose the same conditions on each company, "they are contemporaneous in their origin," and "the right of one company as respects the other does not depend upon priority of location or construction," and where both companies have complied with the conditions of the law, justice and equity demand that each should receive the benefit of the grant made by Congress. Hence, lands falling within the overlapping limits of the two roads should inure to them jointly.

DEPARTMENT OF THE INTERIOR,
Washington, November 16, 1878.

SIR: I have considered the questions involved in the application for the transfer of the title of lands situated within the overlapping limits of the grants to the Central Branch Union Pacific and the Kansas Pacific Railroad Companies.

The department recognizes the fact that both companies have completed their roads for a distance of one hundred miles west of the Missouri River, that the same have been accepted by the President of the United States, and that the government has patented to each company certain lands earned by the construction of its road.

The question now to be determined is the one of the transfer of title to the lands situated within the overlapping limits of the two roads.

On January 2, 1872, my predecessor, Hon. C. Delano, in determining the rights of the respective companies to the lands in question, decided that the Central Branch Union Pacific Company located its line of road for one hundred miles west of the Missouri River in the month of January, 1864, and that the Kansas Pacific Company located its line of road from the mouth of the Kansas River to the west line of township No. 11, range 19 east, prior to said date, but that its line of road from that point to Fort Riley was located *subsequent* to said date, and directed that your office should be governed accordingly in the disposal of lands situated within the conflicting limits; or, in other words, that the Kansas Pacific Company was entitled to lands within said limits east of the west line of township 11, range 19 east, and that the Central Branch Union Pacific Company was entitled to the lands within the conflicting limits west of said line of township 11, range 19 east.

On the 8th of January, 1872, my predecessor directed your office to suspend proceedings under said decision. On the 20th of April, 1874, he transmitted to your office the application of Hon. J. B. Henderson, attorney for the Kansas Pacific Company, for a review of his decision of January 2, 1872, stating that said application was overruled; that the decision of January 2, 1872, was affirmed; that the suspension ordered by him January 8, 1872, was removed, and that the list of lands claimed by the Central Branch Union Pacific Company, submitted by your office January 6, 1872, in compliance with the decision of January 2, 1872, was returned approved.

On the 2d of May, 1874, he addressed the following letter to your office:

"Referring to my letter to your office of the 20th ultimo, returning with my approval a list of lands inuring to the Central Branch Union Pacific Railroad Company,

I have now to direct that the patents for such lands claimed by said company as are also claimed by the Kansas Pacific Company shall contain a clause 'reserving all the legal rights, if any, of the Kansas Pacific Railway Company in said lands.'

It will thus be observed that definite action in this case was suspended for a period of upwards of two years, and that the orders dated April 20, 1874, and May 2, 1874, were a part of said decision of January 2, 1872.

On May 11, 1874, R. M. Pomeroy, esq., president of the Central Branch Union Pacific Company, addressed your office and requested that, in view of the complications with the Kansas Pacific Railway Company, the patents for the lands in dispute be withheld for the present.

Under date of September 30, 1875, Acting Secretary B. R. Cowen, under the administration of my predecessor, Mr. Secretary Delano, informed the Commissioner of the General Land Office that the order of May 2, 1874, above recited, was revoked, and that patents would issue without said clause.

On the 4th of December following Acting Secretary Hon. B. R. Cowen, under the administration of my predecessor, Hon. Z. Chandler, informed the Commissioner of the General Land Office that the departmental order of September 30, 1875, was revoked, and that the order of May 2, 1874, was affirmed, and directed that the patents should contain the clause specified.

Under date of March 20, 1876, a patent was executed in favor of the Central Branch Union Pacific Railroad Company for 73,000 acres of land, which under the ruling of this department were held to enure to the said company, but which were also claimed by the Kansas Pacific Railway Company. This patent contained the clause above recited.

On the 24th of the same month your office transmitted said patent to W. F. Downs, esq., land commissioner Central Branch Union Pacific Railroad Company, Atchison, Kansas. On the 15th of the following month the patent was returned to your office accompanied by the following letter:

"CENTRAL BRANCH UNION PACIFIC RAILROAD,
"OFFICE GENERAL SUPERINTENDENT AND LAND COMMISSIONER,
"Atchison, Kans., April 7, 1876.

"DEAR SIR: I am directed by the president of this company, R. M. Pomeroy, esq., to return to you the patent No. 2, Congressional, which patent bears date March 20, 1876, and contains in the closing paragraph the following clause: 'Reserving all the legal rights, if any, of the Kansas Pacific Railroad Company in said lands,' and I am instructed to inform you 'that this company do not want it with that clause.'

"My advices are by telegraph from our president, and I have quoted the language of his dispatch.

"Very respectfully,

"W. F. DOWNS,
"General Superintendent and Land Commissioner."

"U. J. BAXTER, Esq.,

"Acting Commissioner General Land Office, Washington, D. C."

Under date of December 16, 1876, Mr. Pomeroy requested that the patent executed March 20, 1876, "be canceled."

On January 22, 1877, my predecessor, Mr. Secretary Chandler, directed you to cancel said patent.

In the letter of instructions it is stated that you reported to the department that you had received verbal instructions from Hon. A. S. Gaylord, Assistant Attorney-General for this department, to cancel said patent, and that said instructions were in accordance with the request of R. M. Pomeroy, esq., president of the Central Branch Union Pacific Railroad Company.

The first point for consideration is, had the department the power to take this action, and what is the effect of it? If the patent in question was an actual transfer of title of the lands described from the United States to the railroad company, this department had no power to cancel the patent and the title is in the railroad company. In the case of *McGarrahan vs. New Idria Mining Company* (6 Otto, 316), the court at length defines what is essential in order to constitute a valid execution of a patent. It is said: "Thus it appears that a patent for lands must be signed in the name of the President, either by himself or by his duly appointed secretary, sealed with the seal of the General Land Office, and countersigned by the Recorder. Until all these things have been done, the United States have not executed a patent for a grant of land. Each and every one of the integral parts of the execution is essential to the perfection of the patent. * * * To be valid a patent must be actually executed. Before it can operate as a grant, the last formalities of the law prescribed for its execution must be complied with."

The court also say: "The legal title to lands cannot be conveyed except in the form provided by law."

In the more recent case of *Moore et al. vs. Robbins* (6 Otto, 530), the court say: "It is equally clear that when the patent has been awarded to one of the contestants, and

has been issued, delivered, and accepted, all right to control the title or to decide on the right to the title has passed from the Land Office," and again: "And the title does so pass in every instance where, under the decisions of the officers having authority in the matter, a conveyance, generally called a patent, has been signed by the President, and sealed and delivered to and accepted by the grantee."

It will be observed that in the last case cited the court, in express terms, state that *delivery to and acceptance by* the grantee are essential to the transfer of title.

In the case under consideration the patent was duly executed and transmitted to the grantee, but it was not accepted by said grantee. On the contrary, it was returned to this department with the statement that the company "did not want it with that clause." Said patent was not a transfer of title of the lands described, as there was no delivery of patent to the grantee within the meaning of the law, nor an acceptance of the same. When returned to this department, it was a conveyance denominated a patent, duly executed but not issued.

The same court in the case of *Maguire vs. Tyler et al.* (1 Black, 195), in discussing the effect of the refusal of a claimant to accept a patent, and his request that the Land Department recall the same, say: "Brazeau's representatives refused to accept the patent for the sixteen arpents, and caused it to be recalled at the General Land Office. His claim, therefore, stands before the court as it existed in 1810, when the board of commissioners confirmed it as valid."

In the later case of *Maguire vs. Tyler* (8 Wall., 650), the court say: "Doubt as to the power of the Secretary to recall the patent cannot be entertained, as the point has been directly decided by this court."

The power to recall a patent being acknowledged, and upon said recall the status of the land being declared to be the same as before said patent was executed, the logical conclusion is that the recall operates as a cancellation of a patent executed but not delivered or accepted. In my opinion the primary principles of law, the decisions of the court, the dictates of reason and sound policy, all justify the conclusion that, so long as a patent remains under the control of the Land Department, or in other words has not been delivered and accepted by the grantee, it is within the legitimate power and jurisdiction of the head of said department to correct all errors in the same; or if, in the exercise of his discretion, he considers that the public interests demand such a course, to cancel said patent. The principle is the same where there has been an attempted delivery of a patent, but a failure to consummate the same by reason of the refusal of a patentee to accept the instrument. But, should there be any question on this point, I do not think there can be any doubt as to the power and right of the head of the Land Department to cancel a patent upon the request of the patentee, provided no intermediate rights had vested by virtue of said instrument.

In the case under consideration the grantee not only requested that the issuance of the patent containing the obnoxious clause be suspended, but promptly notified the department of its refusal to accept the conveyance when executed; and in view of that action, it cannot be consistently held that any intermediate rights of adverse parties had vested by reason of said instrument. I am, therefore, of the opinion that my predecessor acted within the scope of his authority when he canceled the patent executed March 20, 1876, and that the status of the lands in question is the same as though no attempt had been made to convey the title to the same.

The Kansas Pacific Railroad Company makes application that the record of the patent be restored, or that a new trial be ordered for the purpose of determining the rights of the respective claimants to the lands in dispute. I see no good reason why an attempt should be made to restore the record of the patent, even had I the power to make effective an instrument annulled by my predecessor. I am not unmindful of the fact that the question of the right of possession to the lands in dispute has for many years been before this department, and that my predecessor, Mr. Secretary Delano, in the decision above cited, held that the Central Branch Union Pacific Railroad Company had the right to said lands by reason of the prior location of its line of road. The same officer, however, directed that the clause to which reference has been made should be inserted in the patent, thus making it a part of said decision. Since that determination, however, many modifications and changes have been made by various officers of the department, and as no patent has issued for the lands, in reality the question of the rights of the two claimants is one in which no final action has been taken by the department, and an adjudication of the same is now demanded.

The lands in dispute are claimed by the Central Branch Union Pacific Railroad Company and the Kansas Pacific Railroad Company, and are situated opposite the first one hundred miles of constructed road west of the Missouri River and within the overlapping twenty-mile limits of the two roads. All the right, title, and interest, if any, of either or both of the above-named companies to the lands in dispute are founded upon the act of July 1, 1862, as amended by the act of July 2, 1864.

The ninth section of the act first cited authorized the Leavenworth, Pawnee, and Western Railroad Company of Kansas, subsequently known as the Union Pacific

Railroad Company, Eastern division, and now known as the Kansas Pacific Railroad Company, to construct a railroad and telegraph line from the Missouri River, at the mouth of the Kansas River, on the south side thereof, so as to connect with the Pacific Railroad of Missouri, to the aforesaid point, on the one hundredth meridian of longitude west from Greenwich, upon the same terms and conditions in all respects as are provided in this act for the construction of the railroad and telegraph line first mentioned, and to meet and connect with the same at the meridian of longitude aforesaid.

The thirteenth section of said act provides that the Hannibal and Saint Joseph Railroad Company of Missouri may extend its roads from Saint Joseph *via* Atchison to connect and unite with the road through Kansas, upon filing its assent to the provisions of this act, upon the same terms and conditions in all respects for one hundred miles in length next to the Missouri River, as are provided in this act for the construction of the railroad and telegraph line first mentioned, and may for this purpose use any railroad charter which has been or may be granted by the legislature of Kansas. The Central Branch Union Pacific Railroad Company is the assignee of the Hannibal and Saint Joseph Railroad Company, and is entitled to the land grant above recited for one hundred miles west of the Missouri River.

The third section of the act above cited granted to the companies above named five alternate sections of public lands per mile on each side of said roads within the limits of ten miles on each side of said roads.

By the fourth section of the act of July 2, 1864, this grant was increased to ten alternate sections within a limit of twenty miles on each line of said roads.

It has been found, as a matter of fact, that the companies located their respective roads for one hundred miles west of the Missouri River at different dates, and the question to be determined by the department at this time is, did either company obtain superior rights to the lands in dispute by a prior location of its road opposite said lands? It has been the ruling of this department that a railroad company obtained superior rights to land within the overlapping limits of two roads by a prior location. Such was the finding of my predecessor, Mr. Secretary Delano, January 2, 1872, and had a patent issued for the lands no further action would be taken in the premises, but as the department is now called upon to decide the questions involved between the respective claimants to these lands, I must be governed by what I deem to be the correct principle applicable to the determination of such questions.

In the case under consideration, I am of the opinion that the lands situated within the overlapping limits of the two roads should be held to enure jointly to the Central Branch Union Pacific and the Kansas Pacific Railroad Companies.

The grant to each company was made by the same acts of Congress, imposing upon each company the same conditions, hence "they are contemporaneous in their origin," and "the right of one company as respects the other does not depend upon priority of location or construction." Both companies have complied with the conditions of the law, and justice and equity demand that each should receive the benefit of the grant made by Congress.

Had I any doubt as to the propriety of this course, I should follow the decision of Judge Dillon, of the seventh circuit, in the case of the Sioux City and Pacific Railroad Company *vs.* The Union Pacific Railroad Company, in the district of Nebraska, at the November term, 1876. In that case the rights of the respective parties were based upon the acts of Congress of July 1, 1862, and July 2, 1864, and the court held that the companies were tenants in common in respect to the lands jointly patented to the two companies March 29, 1873, and December 12, 1873.

The same principle was announced by Associate Justice Miller, of the United States Supreme Court, in the matter of the award of land claims by the McGregor and Missouri River Railroad Company and the Sioux City and Saint Paul Railroad Company. Those companies asserted their rights under the act of May 12, 1864, making a grant of land to the State of Iowa to aid in the construction of certain railroads, and the lands in dispute were situated within the overlapping limits of the two roads. The lines of route were located at different dates. In his decision, Justice Miller said: "Second: That neither the plaintiff corporation nor the defendant corporation could, by any priority of location or construction, entitle either of these corporations to anything more than the undivided half of said lands, nor has any act of Congress or any act of the Iowa legislature, nor any act of the officers of the State of Iowa or of the United States changed the joint character of the trust so held by the State for the benefit of these roads as to the lands within the twenty-mile limits of the Sioux City and Saint Paul road on the east side, and the other road on its north and south sides at the place of junction of the two roads, which are the lands in contest in this suit. Third: That the plaintiffs, the McGregor and Missouri River Railroad Company, and the defendants, the Sioux City and Saint Paul Railroad Company, are entitled to the beneficial interests of each and all the sections and parts of land described in the schedule annexed to plaintiff's petition in equal and undivided moieties or proportions."

The decisions in these two cases were announced by eminent judges, whose opinions are entitled to great respect.

The principles involved in those cases were the same which arise in the case under consideration, and the conclusions, which in my opinion are just and correct, should govern this department in the adjustment of this grant. No act of Congress has given to either company a preference right by reason of a prior location, or divested either company of its right to lands earned by the construction of its road as provided by law. To hold that the title to all the lands within the conflicting limits enure to one company would, so far as this department is concerned, annul the grant made to the contesting company. In view, however, of the questions arising under the provisions of the third section of the act of Congress approved July 1, 1862, which were discussed in my decision in the case of *Nelson Dudymott vs. The Kansas Pacific Railway Company*, the subject of the approval of lists of lands enuring to railroad companies under the provisions of said granting act will be reserved for future consideration.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

NORTHERN PACIFIC RAILROAD GRANT.

1. *Statutes in pari materia, construction of.*—Unless there is a clear repugnancy between statutes *in pari materia*, they are to be so construed as to give effect to each; and it is well settled that statutes are not repealed by implication.
2. *Amendment to original act, effect of.*—An amendment to an act of Congress, changing the words of the original grant, and substituting for those there used words of larger import, must be construed as if taking effect with the original grant.
3. *Northern Pacific Railroad Grant.*—The grant to the Northern Pacific Railroad differs from most of the railroad grants in respect to the provisions for forfeiture in case the railroad is not built, &c.; the only right the United States having reserved was to “do any and all things needful and necessary to insure a speedy completion of said road”; it cannot, therefore, declare a forfeiture of the grant for breach of its conditions, as in ordinary cases.
4. *General route, effect of.*—A line of general route is not a “definite location”, and may be changed or amended; but the withdrawal of the lands along the changed route only takes effect from the receipt at the district office of the letter of withdrawal.

DEPARTMENT OF THE INTERIOR,
Washington, June 11, 1879.

SIR: I have received your letter of the 21st ultimo, returning the letter of George Gray, esq., attorney of the Northern Pacific Railroad Company, dated New York, the 10th ultimo, presenting a map of amended location of the general route of the branch line of said railroad, in Washington Territory, and requesting that it be accepted and approved by the department.

The letter of Mr. Gray was referred to you for an expression of your views as to whether any reason existed why his request should not be granted.

In returning the letter, and map accompanying it, you call my attention to two questions, which I understand you deem material in determining whether said company has the right now to file this map and have the same approved, viz:

1. “Has the grant to the company lapsed by reason of the failure of the company to perform certain acts within the time specified in the granting statutes?”
2. “If it has so lapsed, can the department recognize any acts by the company looking to the initiation of new rights or the enlargement of old ones?”

You further state: “Aside from those possible objections no new reasons are known why the map should not be accepted and the previous instructions by the department carried into effect. On the contrary, I am of the opinion that the best interest of the public requires that the desired change should be allowed. At present a very large body of land is withheld from settlement and entry, which by the amended line would be released and restored to the government, whilst the tract that would be required to be withdrawn is not so large by some four million acres.”

The previous instructions referred to are those given by my predecessor, dated November 24, 1876, in approving the map of amended location in Washington Territory, then presented by said company.

The first question suggested by you requires an examination of the act of Congress making the grant to said company, and the acts supplementary thereof.

By the 8th section of the act of July 2, 1864 (13 Statutes, 370), it is provided:

“SEC. 8. *And be it further enacted*, That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, Anno Domini eighteen hundred and seventy-six.

“SEC. 9. *And be it further enacted*, That the United States make the several condition grants herein, and that the said Northern Pacific Railroad Company accept the same upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then, in such case, at

any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

By section 2 of a joint resolution approved May 7, 1866 (14 Statutes, 355), entitled "A resolution extending the time for the completion of the Union Pacific Railway, Eastern Division," it is provided:

"SEC. 2. *And be it further resolved*, That the time for commencing and completing the Northern Pacific Railroad, and all its several sections, is extended for the term of two years."

By a joint resolution approved July 1, 1868 (15 Statutes, 255), entitled "Joint resolution extending the time for the completion of the Northern Pacific Railroad," it is provided:

"*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That section eight of an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast,' is hereby so amended as to read as follows: That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from and after the second day of July, eighteen hundred and sixty-eight, and shall complete not less than one hundred miles per year after the second year thereafter, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, Anno Domini eighteen hundred and seventy-seven."

Did the second section of the joint resolution of 1866 extend the time originally provided for the commencement and completion of said road, or did it extend the time provided in section 8 of said act as amended by the joint resolution of 1868?

It will be observed that the joint resolution of 1868 is entitled "Joint resolution extending the time for the completion of the Northern Pacific Railroad." If it be held that the act of 1868 repealed the extension in the act of 1866, then instead of extending the time it shortened the time one year, for by the resolution of 1866 the time for the completion of the road would have been July 4, 1878. Unless there is a clear repugnancy between statutes *in pari materia*, they are to be construed so as to give effect to each. It is also a well-settled rule that statutes are not repealed by implication.

Numerous cases might be cited in support of this rule.

Can the acts above cited be so interpreted as to give effect to each?

It will be noticed that the amendment of the act of 1868 is an amendment so as to make the original act read as follows: "That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company," &c.

In the case of the Missouri, Kansas and Texas Railway Company *vs.* The Kansas Pacific Railway Company, decided at the last term of the Supreme Court, the Court say: "It is true the act of 1864 enlarged the grant of 1862; but this was done not by words of a new and an additional grant, but by a change of words in the original act, substituting for those there used words of larger import. This mode was evidently adopted that the grant might be treated as if thus made originally; and, therefore, as against the United States the title of the plaintiff in the enlarged quantity, with the exceptions stated, must be considered as taking effect equally with the title of the less quantity as of the date of the first act."

Applying the rule thus announced, it must be held that said company was to commence work on said road within two years from the 2d day of July, 1868, and to complete the same on or before the 4th day of July, 1877; and that such must be taken as the terms of the original charter to said company.

With the terms of the charter thus fixed, the joint resolution of 1866 extends the time for the completion of the road until July 4, 1879.

It will be observed also that this act, unlike most of the acts making grants to railroad companies, does not provide that at the expiration of the time fixed for the completion of the road the lands granted shall revert to the United States, but does provide "that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of said road." (See ninth section.)

It will thus be seen that no proceedings can be taken, even by Congress, to declare a forfeiture of this grant, if breaches thereof have occurred, until one year after the time fixed for the completion of the road, viz., July 4, 1880.

If this be not the true construction of the various provisions of the acts of Congress in relation to this grant, still, under the rule announced by the Supreme Court in the case of *Schulenberg vs. Harriman* (21 Wallace, 44), it must be held that until Congress does take some steps to declare a forfeiture of said grant that the same is in full force and effect.

In the case cited the court say: "At common law the sovereign could not make an entry in person, and, therefore, an office found was necessary to determine the estate; but, as said by this court in a late case, 'the mode of asserting or of resuming the forfeited grant is subject to the legislative authority of the government. It may be after judicial investigation or by taking possession directly under the authority of the government without these preliminary proceedings.' In the present case no action has been taken, either by legislation or judicial proceedings, to enforce a forfeiture of the estate granted by the acts of 1856 and 1864. The title remains, therefore, in the State as completely as it existed on the day when the title by location of the route of the railroad acquired precision and became attached to the adjoining alternate sections."

I am not advised that any proceedings have been taken to declare a forfeiture of the grant to this company, and if my views of the law, above expressed, are correct, the time has not yet arrived when Congress could take any proceedings to declare such a forfeiture; but in either event the grant to-day must be held to be the same as it existed on the day when it was made and accepted by the company.

Your second question being predicated upon the first and involved therein, is unnecessary to answer.

The grant being held to be in full force and effect to-day, I can perceive of no reason why the amended map should not be filed. The map of the general route originally filed, and the withdrawal made thereon, was for the protection of the company, in reserving the tracts of land included therein for it, if the road was built on that line. It was not a map of definite location of the road, and hence the grant did not attach to specific tracts of land.

The right of the company under its grant only attaches to specific tracts upon the definite location of its road.

The company, by its attorney, has filed with me, and the same is herewith transmitted, a relinquishment of all its right and interest in any of the lands first withdrawn on the branch route in Washington Territory. By this relinquishment, as stated by you, a very large quantity of land will be released from the reservation and become subject to disposal under the laws of the United States. The particular route upon which the branch line was to be built in Washington Territory was not specified in the act, and it must, therefore, be considered that Congress intended to leave this selection of the route to the company.

The company, after considerable difficulty, has finally selected a route upon which it deems it to be practicable to build the road provided for by Congress.

The map of amended route is herewith transmitted approved, and you will cause the lands on said route within the limits specified in the granting act to be withdrawn for the benefit of said company, and those on the route heretofore selected to be restored.

No withdrawal having been made on the route indicated on the map filed with and approved by my predecessor, November 24, 1876, no further action in relation to said map and route will be taken.

The rights of settlers upon the lands included within the limits of the withdrawal to be made under this amended route must be protected, if settlements and entries be made before the receipt of the notice of withdrawal at local offices.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

**MCGREGOR AND MISSOURI RIVER RAILROAD vs. CHICAGO, MILWAUKEE
AND SAINT PAUL RAILWAY.**

1. *Estates in presenti, resumption thereof.*—The act of Congress of May 12, 1864, granting lands to the State of Iowa to aid in the construction of a railroad from McGregor, in a westerly direction, to intersect the Sioux City and Saint Paul Railroad, vested an estate *in presenti* in the State, which acquired precision and attached to the particular sections immediately upon definite location of the road. That title remains vested, whether a part of the road is built or not, until formally resumed by authority of law.
2. *Coterminous disposals, restrictions by quantity.*—The act does not restrict the disposal of lands to limits coterminous with construction, it being restricted by quantity and lateral limits only.
3. *"Road," meaning of.*—The term "road," as used in the act, was employed in a special sense, and does not mean a road actually built.
4. *Rights in railroad companies under State legislation.*—By legislation not in conflict with the granting act, the State has assumed to dispose of the grant, and in so doing has declared certain rights as existing in the various companies having constructed the road. What those rights are, the department is not necessarily called upon to decide. The courts of Iowa are open for their determination.

The Supreme Court decisions in *Railroad Co. vs. Courtwright* and *United States vs. Burlington* and *Missouri River Railroad Company* considered and construed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., August 18, 1879.

SIR: I have examined the case of the McGregor and Missouri River Railway Com-

pany rs. The Chicago, Milwaukee and Saint Paul Railway Company, on appeal from your decision of 26th March last, in favor of patenting to the State of Iowa, for the benefit of the Chicago, Milwaukee and Saint Paul Railway Company, the lands granted for the use of the McGregor Western Railroad Company by act of May 12, 1864 (13 Stat., page 72), and rejecting the claim of the McGregor and Missouri River Railway Company thereto.

The grant was for the use and benefit of the McGregor Western Railroad Company, for the purpose of aiding in the construction of a railroad from McGregor, in a westerly direction, to intersect the line of the Sioux City and Saint Paul Railroad in O'Brien County, and embraced "every alternate section of land designated by odd numbers for ten sections in width on each side of said roads," with a further grant of indemnity for such granted lands as might appear, upon definite location of the road, to have been sold, reserved, or otherwise appropriated, or held under pre-emption or homestead rights.

This grant was accepted by the State by act of April 20, 1866. Previous to that date the McGregor Western Railroad Company had completed forty miles of road from McGregor westward, on a line of location filed in your office in August, 1864, and on the 13th of November, 1865, the governor certified to the Secretary of the Interior the fact of such completion, giving dates of completion of each section of ten miles.

Lists of selections for lands to the extent of several thousand acres were filed in the land offices at Des Moines and Fort Dodge, but the same were not certified by the district officers until 1869, when they were listed for the benefit of the McGregor and Missouri River Railroad Company under its change of name from the McGregor and Sioux City Railway Company, upon which the State had conferred the grant by act of March 31, 1868, having first, by act of February 27, 1868, resumed the lands from the ownership of the McGregor Western Company.

The McGregor and Missouri River Railway Company proceeded to build its road as far as Algona, a distance of over 172 miles from McGregor, having relocated the western portion and fixed upon a point of connection with the Sioux City and Saint Paul Railroad Company at Sheldon, about 85 miles west of Algona.

On the 5th of December, 1870, the governor certified to the completion of the road theretofore constructed from McGregor to Algona, stated in said certificate to be 182.02 miles—172.02 miles being probably intended. This was in lieu of imperfect certification furnished in January and October previous.

No further construction has been made by the McGregor company, but the State having, by act of February 27, 1878, resumed the grant to that company and conferred it upon the Chicago, Milwaukee and Saint Paul Railway Company, the last-named grantee has completed the road to its junction at Sheldon, procured the governor's certificate dated November 13, 1878, and now demands the insertion of its name and title as the beneficiary in a patent to the State for the residue of lands inuring to the grant, a portion of which had been listed by selection at Sioux City March 28, 1871, by the McGregor and Missouri River Railway Company, under the former certificate of the governor.

The lands lie partly in place and partly in indemnity limits, mostly to the westward of Algona and opposite the portion of road constructed by the Chicago, Milwaukee and Saint Paul Company. The list covered by your decision is of lands in place within the granted limits.

The McGregor company objects to the conveyance of title for the benefit of the claimants, insisting that its right was perfect by the construction of the road to Algona: that it had procured the proper certificate and duly selected the lands, and that the resumption by the State in 1878 and the grant to the opposing company could not operate to divest the former grantee of its rights so perfected.

You decide that this objection is valid unless the grant is specifically to be applied upon the coterminous principle, and requires the lands taken for the construction of each section of the road to be found opposite to and coterminous with such completed section. Upon review of the whole case you find that such is the intent of the granting act, and you accordingly award the lands to the Chicago, Milwaukee and Saint Paul Railway Company.

In this construction of the law I am unable to concur. The fourth section of the act of May 12, 1864, enacts that "when the governor of said State shall certify to the Secretary of the Interior that any section of ten consecutive miles of either of said roads is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the Secretary of the Interior shall issue to the State patents for one hundred sections of land for the benefit of the road having completed the ten consecutive miles as aforesaid. When the governor of said State shall certify that another section of ten consecutive miles shall have been completed as aforesaid, then the Secretary of the Interior shall issue patents to said State in like manner for a like number," and provides for such further patenting of "additional sections" from time to time as each ten miles shall be completed.

Your decision finds that these provisions are "without any limitation whatever as

to the place where said sections are to be selected or situated, and without any limitation as to the class or character of the lands." But you refer to the first section which grants "every alternate section of land, designated by odd numbers, for ten sections in width on each side of said roads," and decide that this is not a grant upon a proposed or contemplated road, and that "the right to land does not vest faster than the road is built, and then only to land on each side of the road."

This can hardly be reconciled with the well-settled doctrine that this language, which is the exact language of the granting clause of nearly every railroad grant, vests an estate *in presenti* which acquires precision and attaches to particular lands immediately upon definite location of the road, and remains vested, whether a foot of road is constructed or not, until formally resumed by authority of law. The power to resume, reserved to the government, necessarily imports that the title has passed out into the State upon the trust created; and the power expressly granted to the State to resume against the McGregor Western Company as clearly denotes that the beneficial interest of that title was vested by the act in that particular company, liable to a recall by the State only in case of specific failure to perform the conditions of the act.

In *Railroad Land Company vs. Courtwright* (21 Wallace, 310), the Supreme Court held that a power to sell 120 sections embraced within a continuous length of twenty miles of the road did not confine the right of sale to lands opposite to constructed road, but that they might be taken anywhere along the line within a continuous length of twenty miles.

You decide that the ruling in that case does not apply here, because the language of the first section is essentially different. I do not perceive the distinction relied on.

The granting clause of the act of May 15, 1856, reads: "Every alternate section of land, designated by odd numbers, for six sections in width on each side of each of said roads." The proviso enacts: "That the land to be so located shall in no case be farther than fifteen miles from the lines of said roads."

The act of May 12, 1864, grants "every alternate section of land designated by odd numbers for ten sections in width on each side of said roads." The proviso requires "that the lands so selected shall in no case be located more than twenty miles from the lines of said roads." These terms of grant and limitation can hardly be distinguished as parallelisms, so nearly do they approach absolute identity.

But aside from the decision in the Courtwright case, a reference to the acts restricting disposals of lands to coterminous limits will show that completed road is not indicated by the use of the term "road" in a general sense, but that in all such cases qualifying terms are inserted to define and narrow the limitation specifically thus:

"Opposite to, and coterminous with said completed section of road." (Northern Pacific act, July 2, 1864; Grand Rapids and Indiana act, June 7, 1864.)

"Opposite to, and within a limit of twenty miles of the line of said section or road thus completed, extending along the whole length of said completed section of ten miles of road, and no further." (Minnesota roads, act of March 3, 1865.)

"Said sections of road thus completed." (Missouri, Iron Mountain Road; act of July 4, 1866.)

"Coterminous to said completed portion of said road." (Oregon Military Roads; acts of July 4 and 5, 1866.)

"Coterminous to said completed sections of ten miles." (Minnesota grants of July 4, 1866.)

"Coterminous with said completed section." (California, Kansas, and Oregon grants of July 13, 23, and 25, 1866.)

Citations might be extended at length; but the above will be found to demonstrate the general rule of legislative intent, in naming these completed parts as "sections" or "portions of roads," simply, while using the unqualified term "road" to stand for the entire line upon which aid was to be conferred by the grants.

The Pacific Railroad act of July 2, 1864, granting lands to the Burlington and Missouri River Railroad Company, provided that upon certificates of the completion of twenty consecutive miles of road "patents shall issue conveying the right and title to said lands to said company on each side of said road, as far as the same is completed, to the amount aforesaid, and such examination, report, and conveyance by patents shall continue from time to time, in like manner, until said road shall have been completed."

The Supreme Court, at the October term, 1878, in construing this act, held as follows:

"The grant was to aid in the construction of the entire road, and not merely a portion of it, though the company was not to receive patents for any land except as each twenty miles were completed. The provision allowing it to obtain a patent then was intended for its aid. It was not required to take it; it was optional to apply for it then or to wait until the completion of other sections or of the entire road. The grant was of a quantity of land on each side of the road, the amount being designated at so many sections per mile, with a privilege to receive a patent for land opposite that por-

tion constructed as often as each section of twenty miles was completed. If this privilege were not claimed, the land could be selected along the whole line of the road without reference to any particular section."

This decision holds that the grantee is entitled to the benefits of all minor provisions obviously intended for it, forbids the application of rules and restrictions not contained in the strict language of the act, and declares, as in the Courtwright case, that nothing can be imported into the statute as a condition subsequent not clearly expressed by the words of limitation contained therein.

The patents heretofore issued upon this grant, embracing upwards of 137,000 acres, have not been confined to coterminous limits; which fact goes to show, so far as indicated by action and practice, that neither the State nor the government officials have considered the act to require such limitation. Under these patents, assignments, transfers, and sales have been made and rights have accrued which it would be mischievous to disturb.

"This uniform action is as potential and as conclusive of the soundness of the construction as if it had been declared by judicial decision. It cannot at this day be called in question." (*United States vs. Burlington and Missouri River Railroad Company*, last above cited.)

Thus instructed by the language of similar grants and by the interpretations of the courts, it must be held that the act of May 12, 1864, makes no provision whatever for coterminous limits; that it is restricted by quantity and lateral limits only, and that, upon the proper certification by the governor, patents for one hundred sections of land, selected by direction of the Secretary of the Interior, should have been issued for each ten miles completed if that quantity could be found within twenty miles of the line of the road.

It is to be observed that this grant, instead of conferring the power of selection for indemnity upon the State by her agent, as in other cases, makes it the duty of the Secretary of the Interior to cause the selection to be made, and confers the title to such selections upon the State in trust for the purposes of the grant. This was the law as respects the original grantee. It now remains to be seen whether or not the subsequent beneficiaries are in the same condition, and in a position to claim the issue of patents upon the same terms. When the grant was accepted by the State in 1866, the title, by relation, took effect in her, and through her in the McGregor Western Railroad Company, as of the date of the grant; and the precision given to it by the location of the road, so far as it had become fixed, identified the lands in place and the indemnity lines, and made effective for the issue of patents the completion of the four sections of ten miles each certified by the governor in 1865, from McGregor to Calmar. Four hundred sections were then due. The selections, however, which it appears had been provided for by general circular from your office issued November 14, 1864, under act of July 1, 1864, although in part made up in lists in 1865, were never certified by the district officers and forwarded to your office until 1869, when a portion of them were received, and in the meantime the State had by act of February 27, 1868, resumed the grant, and on March 31, 1868, conferred it upon the McGregor and Sioux City, afterward the McGregor and Missouri River, Railway Company, as before recited. These acts of the State legislature were authorized by Congress by the first proviso of the fourth section of the act of May 12, 1864, to wit:

"That if the said McGregor Western Railroad Company, or assigns, shall fail to complete at least twenty miles of its said road during each and every year from the date of its acceptance of the grant provided for in this act, then the State may resume said grant, and so dispose of the same as to secure the completion of a road upon said line and upon such terms as the State shall determine."

These acts when accepted by the companies, as shown by the record of the case, completely extinguished the interest of the McGregor Western Company, and left the future execution of the trust to be governed by the State act of March 31, 1868, and subsequent legislation, so far as the same might be found in harmony with the act of Congress.

Under that legislation, which is not asserted to conflict with the Federal statute, the State has assumed to dispose of the grant, has secured and duly certified to the completion of the road to its junction with the connecting line, and is now entitled to patents in trust for her grantees. What their respective rights are under her laws I do not think the department is necessarily called upon to decide. Her own courts are open, and if the executive officers or legislature of the State should fail to distribute the lands according to her laws, and any Federal question be involved in the execution of the trust, such question may be carried to the Supreme Court of the United States.

I therefore direct that the lists be prepared for approval and patent to the State, in trust for the use of the completed road from McGregor to its junction with the Sioux City and Saint Paul Railroad Company, and of the company or companies constructing and completing the same, according to the provisions of the granting act, leaving the distribution and apportionment of the patented lands to the proper authorities

of the State according to the respective interests of such companies under the State laws.

I return the papers submitted with your letter of July 17, 1879.

Very respectfully,

C. SCHURZ, *Secretary*.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SOUTHERN PACIFIC RAILROAD COMPANY.

Payment of costs for surveying lands.

The proviso to the act of Congress approved July 31, 1876 (19 Stat., 121), making appropriation for sundry civil expenses of the government for the fiscal year ending June 30, 1877, requiring "that before any lands granted to any railroad company by the United States shall be conveyed to such company * * * unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same," &c., held to be general in its character and applicable to all railroads falling within its terms.

Unless a railroad is expressly exempted by law from the payment of the cost of surveying, &c., it must meet the requirements of the act of 1876 before patents can issue; but the proviso does not extend to grants made to States in aid of the construction of railroads.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 20, 1879.

SIR: I have received your report of October 29, 1878, on the question raised by Henry Beard, esq., attorney for the Southern Pacific Railroad Company, as to the liability of said company to pay the costs of surveying, selecting, and patenting lands inuring to it under acts of Congress approved July 27, 1866 (14 Stat., 292), March 3, 1871 (16 Stat., 597), and joint resolution of June 28, 1870 (*ib.*, p. 382), under the provision of an act of Congress approved July 31, 1876, which reads as follows:

"That before any lands granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto, under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest." (19 Stat., 121.)

The foregoing provision is found in an act entitled "An act making appropriation for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy seven, and for other purposes." It has been urged on that account that said provision relates entirely to the appropriation therein made for the surveying of the public lands of the United States. This position, I think, is untenable.

The language used in the provision is broad and general in its terms. If Congress had intended to limit the appropriation then made, there would have been some restriction in the language used showing such intention.

The fact that legislation of a general character is not unfrequently attached to appropriation bills purposely may also be taken into consideration in determining the scope and bearing of this provision. The language used, together with the practice of incorporating general legislation in appropriation acts, leaves no doubt in my mind that Congress intended that this provision should be made general, and apply to all roads falling within its terms.

It has also been urged by counsel that, inasmuch as the granting act requires that the lands should be surveyed for forty miles in width on both sides of the entire line of said road, after the general route thereof was fixed, and also, upon proof of construction of the road, patent should issue to the company for the lands inuring to it under the grant, that the company was thereby exempted from paying any of the costs of surveying, selecting, and conveying said lands to it.

There is no expression or implied exemption in the act from the payment of such costs, unless it is found in the provisions above referred to. These provisions in my opinion do not constitute an exemption within the meaning of the act of July 31, 1876. It is true that they impose duties upon the executive officers of the government, and fix the time when certain things are to be done. The several acts required to be performed under the provisions of the various granting acts are attended with very large cost and expense, by the government, but there is nothing in said acts which indicates that this cost and expense shall be borne by the government without remuneration by the company.

The acts making the grant donate the lands granted for a specific purpose, but it can hardly be presumed that Congress intended to give the lands, and also to pay every cost and expense necessary to a proper conveyance of the same to the company.

The act of 1876 provides that this cost shall be paid by any company, "unless such company is exempted by laws from the payment of such cost." Mere silence in

the granting act which imposes a duty upon the executive officers is not an exemption. To exempt a person or a corporation from the performance of any duty, apt and proper words must be used excepting such person or corporation from the performance of that duty.

In expressing your views upon the force and effect to be given to the statute now under consideration, you state: "It is my opinion that the act of 1876 adds to the law making the grant a new condition, but it operates only upon lands earned after its approval, and that patents for lands earned prior to that date should issue the same as though an addition had not been made."

I am unable to concur in this view. Whatever force and effect the act has, it has had from the date of its approval—it then became the law of the land, and as such law it must govern the officers whose duty it is to issue patents to railroad companies in the discharge of their duties. No distinction is made in the act as to whether the lands were earned or unearned at the date of the passage of the law. On the contrary it specifically provides that before any lands, granted to "any railroad company by the United States, shall be conveyed to such company, * * * there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest."

It is true that this law imposes new burdens upon the companies affected thereby, but these burdens cannot change your duty nor mine. We have no power to declare the law unconstitutional, nor any right to disobey its provisions. If the law be unconstitutional because it violates a contract made by the United States, the company has its remedy through the courts, which have the power to declare it void and to set it aside for that reason.

If the burdens are unreasonable and unjust, the company may apply to Congress to repeal the law and grant it such relief in the premises as it may be entitled to. While it remains unrepealed, it must be considered as the rule governing the action of this department in the adjustment of all railroad grants falling under its provisions.

I concur in the views expressed by you, that this requirement cannot be made where the grants were made to States for the construction of certain railroads.

The law by its provisions does not include such grants.

If patents have issued to any companies since the approval of this law, which, by its provisions, should have been required to pay the cost of surveying, selecting, and conveying the lands therein described, before the same issued, you are directed to call upon such companies to make payment for such costs; and in case they refuse, you will report the same to this department, giving a full statement of the items, in order that such further proceedings may be taken in the premises as may be necessary to reimburse the government for such expenses.

Very respectfully,

C. SCHURZ,
Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

SAINT JOSEPH AND DENVER CITY RAILROAD.

DEPARTMENT OF THE INTERIOR,
Washington, March 5, 1879.

SIR: I have received your letter of November 5, 1878, inclosing a communication from John B. Bloss, esq., of this city, in relation to the obligation of the Saint Joseph and Denver City Railroad Company to pay the costs of selecting, surveying, and patenting the lands inuring to said company under its grant of July 23, 1866. (14 Stat., 210.)

In my decision of the 20th ultimo, in relation to the obligation of the Southern Pacific Railroad Company to pay such costs, the following language was used, viz: "I concur in the views expressed by you, that this requirement cannot be made where the grants were made to States for the construction of certain railroads."

It is urged that inasmuch as the grant to this company was made to the State of Kansas it should be exempted from paying such costs in accordance with that decision.

The first section of the act of July 23, 1866, reads as follows;

"That there is hereby granted to the State of Kansas, for the use and benefit of the Saint Joseph and Denver City Railroad Company, the same being a corporation organized under the laws of the State of Kansas, to construct and operate a railroad from Elwood, in Kansas, westwardly via Maryville, in the same State, so as to effect a junction with the Union Pacific Railroad, or any branch thereof, not farther west than the one hundredth meridian of west longitude, every alternate section of land designated by odd numbers, for ten sections in width on each side of said road to the point of intersection." * * *

Sections 6 and 7 of said act read as follows:

"SEC. 6. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said Saint Joseph and Denver City Railroad Company, its successors and assigns, for the construction of a railroad as proposed; and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also all necessary ground for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water stations."

"SEC. 7. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Saint Joseph and Denver City Railroad Company shall be signified in writing, under the corporate seal of the said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within six months after the passage of this act and not afterwards, and shall be deposited with the Secretary of the Interior."

While it is true that the grant in terms was made to the State of Kansas, and by the third section thereof it is made the duty of the governor of said State to certify to the construction of said railroad, still to all intents and purposes it is a grant to the company, and the company was required to accept of the terms and conditions of the grant and not the State. The State acquired no right to make any disposition of the lands whatever. In this respect it is unlike nearly every grant made to States to aid in the construction of certain railroads, not named, from a certain point to a certain point within the boundaries of the States. In those grants the State has the right either to build the road herself, or to authorize certain corporations to build the same, and if any failure occurs in building the roads by any of the companies, the State may resume the grant and confer it upon another company. No such provision is found in this act. The road for which the aid was granted was named and that company, and that company only, has the right to construct the road and claim the benefits of the act.

I am informed that your office in patenting the lands inuring under this grant patented them directly to the company and not to the State. The State in this case is simply an intermediary and not a beneficiary in any sense.

I am of the opinion, therefore, that the Saint Joseph and Denver City Railroad Company should be required to pay the costs of selecting, surveying, and patenting the lands inuring to it under the grant the same as if the grant had been made directly to the company.

Mr. Bloss in his communication states that the cost of selecting has already been paid. If this be so, then the company should not be required, to pay that expense again; but the costs of surveying and patenting should be required before any patent issue to the company in accordance with the provisions of the act of July 31, 1876.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

Supreme Court of the United States, October term, 1878.

WILLIAM H. PLATT, APPELLANT,

vs.

THE UNION PACIFIC RAILROAD COMPANY AND
Frederick L. Ames.

} No. 885.

Appeal from the circuit court of the United States for the district of Nebraska.

By the third section of the act of Congress of July 1, 1862, incorporating the Union Pacific Railroad Company, a grant of lands was made to the company "for the purpose of aiding in the construction of the railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores thereon"; and it was enacted that all such lands "*not sold or disposed of*" by the company before the expiration of three years after the entire road should be completed, should be subject to settlement and pre-emption like other lands.

1. *Held*, that this statute should be construed, if possible, so as to effectuate the object which Congress had *primarily* in view.
2. *Held*, that the primary object of the grant was to furnish assistance in and during the construction of the road, and that opening the unsold or undisposed-of lands to settlement and pre-emption was only a subordinate and secondary object.
3. *Held*, therefore, that the secondary purposes of Congress did not control or defeat that which was primary.
1. *Held*, further, that the words "*or disposed of*" are not redundant words, or synonymous with the word "*sold*," but that they contemplate an use of the lands granted, different from a sale, and that a mortgage is such an use.
2. *Held*, that the company was authorized to mortgage the land-grant, and that the mortgage, made in 1867 "for the purpose of raising money necessary to continue and complete the construction of their road," was a *disposal* of the lands within the meaning of the act.

3. *Held*, that the mortgage was an hypothecation of the fee, and not merely of an estate terminable at the expiration of three years next after the completion of the road.
- Held*, therefore, the mortgage debt not having fallen due and remaining unpaid, that the lands were not open to settlement and pre-emption.
- Quere*, Whether the remnants that may be unsold when the mortgage debt shall be paid will not then be subject to pre-emption.
- In construing a statute, aid may be derived from attention to the state of things as it appeared to the legislature when the statute was enacted.

Mr. Justice STRONG delivered the opinion of the court:

If it be conceded that the complainant has complied with all the conditions prescribed by the acts of Congress for the acquisition by a pre-emptioner of an equitable title to a portion of the public lands, the question still remains whether the land which he claims was open to pre-emption when his settlement was made. It is confessedly a part of the lands which the United States granted to the Union Pacific Railroad Company by the act of July 1, 1862. (12 Stats., 489.) The third section of that act enacted as follows: "That there be and is hereby granted to the said company, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores thereon, every alternate section of public land, designated by odd numbers, to the amount of five alternate sections per mile on each side of said railroad, on the line thereof, and within the limits of ten miles on each side of said road, not sold, reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim may not have attached at the time the line of said road is definitely fixed: *Provided*, That all mineral lands shall be excepted from the operation of this act, but where the same shall contain timber, the timber thereon is hereby granted to the said company. And all such lands so granted by this section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and pre-emption like other lands, at a price not exceeding one dollar and twenty-five cents per acre, to be paid to said company.

The section contains words of present grant, but the fourth section enacted that on the completion of each successive forty miles of the railroad and telegraph line, patents should be issued, "conveying the right and title to said lands to said company, on each side of the road, as far as the same is completed, to the amount aforesaid." The seventh section required the road and telegraph to be completed before the first day of July, 1874. The amending act of July 2, 1864 (13 Stats., 356) enlarged the grant but made no change in its terms, and the Secretary of the Interior, as directed by the act, withdrew the lands within fifteen miles of the designated route of the road from pre-emption, private entry, and sale.

Such was the grant. The railroad and telegraph line were entirely completed before July 1, 1874 (if not in 1869), and patents for all the lands granted were directed to be issued to the company in November of that year. By force of the grant, however, and by the definite fixing of the route of the road, and the filing the map thereof in the Interior Department, as required by law, together with the completion of the road westward and beyond the tract claimed by the complainant, the title to that tract had become vested in the company before April 16, 1867. On that day the company, for the purpose of raising money necessary to continue and complete the construction of their road, issued their coupon bonds for the sum in the aggregate of \$10,400,000, bearing seven per cent. interest and payable in twenty years from their date. On the same day, for the purpose of securing the payment of the bonds, the company executed a mortgage or deed of trust to trustees of all and several the several sections of land granted to them by the said acts of Congress, including the tract claimed by the complainant. The instrument, we think, though in form a deed of trust, was substantially a mortgage. It was delivered to the trustees and duly recorded. The bonds were sold in different markets to bona fide purchasers, and they are now outstanding, about seven millions of dollars still remaining unsatisfied. All this was before the entire road was completed, and before the first step was taken by the complainant to obtain his pre-emption right.

In view of these facts we are to determine whether the mortgage was a disposition of the lands granted to the company within the meaning of the last clause of section second of the act of 1862. If it was, the tract of land claimed by the complainant was not open to settlement and pre-emption when he entered thereon, nor has it been at any time since. That clause declared that "all the lands granted by the section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and pre-emption," &c. Was the mortgage a sale or disposition of the lands as understood by Congress? That the company had power to mortgage the lands admits of no reasonable doubt. It may be conceded that a railroad company has not power either to sell or mortgage its franchise, or perhaps the road which it has been chartered to build, without express legislative authority, and this has in some cases been decided. The reason is that such a sale or mortgage tends to defeat the purposes the legislature had in view in the grant of the

charter. The adventurers who obtain the charter and who accept it undertake to construct and maintain the public work. Their undertaking is the consideration of the grant, and without legislative consent they cannot throw off the obligation they have assumed. But the reason is inapplicable to a sale or mortgage of property which is not a part of the road and in no way connected with its use. Parting with such property or encumbering it in no degree interferes with the performance of the duties of the company to the public. Railroad companies are not usually empowered to hold lands other than those needed for roadway and stations or water privileges. But when they are authorized to acquire and hold lands separate from their roads, the authority must include the ordinary incidents of ownership—the right to sell or to mortgage. Especially is this so when, as in the present case, the lands have been granted to the company by the legislature that granted the charter without any restriction of their use.

Assuming, therefore, as we must, and as has been tacitly conceded in the argument, that the company had the power to make the mortgage of 1867, we need not stop to inquire whether it was a sale or a partial sale. In some of the States, as well as in England, a mortgage is practically, as well as in form, a sale. It passes the legal title to the mortgagee. The more general modern doctrine in this country is, we admit, that it creates merely a lien, without any transmission of title. But if not a sale, was the mortgage made by the company defendant in this case not a disposition of the lands granted to it by Congress?

This question is not to be answered by reference to definitions given in the dictionaries. What did Congress mean in the act of 1862? That something else than sale, either total or partial, was intended we are required by all the rules of construction to conclude. Congress is not to be presumed to have used words for no purpose. If it was intended that only lands which had been sold before three years had expired after the entire completion of the railroad should be exempted from pre-emption, the words "*or disposed of*" were entirely superfluous. But the admitted rules of statutory construction declare that a legislature is presumed to have used no superfluous words. Courts are to accord a meaning, if possible, to every word in a statute. In *Commonwealth vs. Algee* (7 Cush., 53-59), it was said that in putting a construction upon any statute every part must be regarded, and it must be so expounded, if practicable, as to give some effect to every part of it. So, in *People vs. Burns* (5 Mich., 114), it was held that some meaning, if possible, must be given to every word in a statute, and that where a given construction would make a word redundant, it was reason for rejecting it. To the same effect is *Dearborn vs. Brookline* (97 Mass., 466), and in *Gates vs. Salmon* (35 Cal., 576), it was ruled that no words are to be treated as surplusage or as repetition. The phrase "*or disposed of*" must, therefore, have some distinctive meaning, some meaning beyond the word "*sold*." What that is may be seen very plainly when the whole act of 1862 is examined. We are seeking for the intention of Congress, and to discover that we may look at the paramount object which Congress had in view as well as the means by which it proposed to accomplish that object. Congress addressed itself to the work of securing a railroad from the Missouri River to the western boundary of the Territory of Nevada, and thence to the Pacific Ocean. The work was vast, beyond the reach of private capital or enterprise. It could be accomplished only by the bestowal upon a corporation of very large governmental aid. The proposed road ran over mountains and through what was known to be an uninhabited desert for more than a thousand miles. The lands through which it must pass were supposed to be almost worthless, and quite unsalable, until they should be made, by the construction of a railroad, accessible to settlers and to eastern markets. The construction of a railroad through such a region was most uninviting to private capitalists. To induce them to embark in the enterprise was the overshadowing motive that dictated the act of 1862. This is apparent in almost every line of the act. For this reason the grants of land were made, the rights of way and taking materials were given, and the subsidy bonds were loaned, to be repaid only at the expiration of thirty years, with interest payable only at the expiration of that period. Even this was not enough. No association and no persons were found willing, with all this proffered assistance, to undertake the construction of the road. But so earnest was Congress to induce the corporators to attempt the work, that in 1864 additional aid was proffered, the grant of lands was doubled, and new privileges were conferred. We do not now attempt to portray the earnestness—the all-absorbing earnestness—with which Congress sought to secure the construction of the road by private enterprise. It was well exhibited in the *Union Pacific Railroad Company vs. The United States* (91 U. S. Reps., 72), to which we refer. Suffice it to say the purpose of Congress, above all others, was to obtain the construction of the railroad by the corporation it created to undertake the work. For that alone the subsidy bonds were given. Only for that the grants of land were made. All was intended to give the utmost possible assistance to the stupendous and unparalleled enterprise. We do not say that other incidental considerations were not kept in mind, but what we do assert as plainly manifest in the legislation is that the *paramount* intention of Congress was to give such assistance to the

company as to induce them to build the road. Every other consideration was subordinate to that.

All will concede that in construing the act of 1862 we are to look at the state of things then existing, and in the light then appearing seek for the purposes and objects of Congress in using the language they did. And we are to give such construction to that language, if possible, as will carry out the Congressional intentions. For what particular purpose, then, was the grant of lands made? The statute itself answers: "For the purpose of aiding in the construction of the railroad and telegraph line," and securing governmental transportation, &c. The lands were granted to be used in furtherance of such construction. But Congress must have known, and the grantees of the lands must have known, that when granted they were of little worth. They were then unsalable at any price. Their value was wholly prospective, dependent upon the construction of the road. Purchases could not have been reasonably expected, certainly few, for immediate settlement. The obvious mode, therefore, of using the lands for the construction of the road (not for paying debts incurred in the construction, but for immediate need as the construction was progressing) was to hypothecate them as security for a loan. Many persons might be willing to advance money on the faith of the prospective value of the lands, if the railroad was built, who would not be willing to buy when it was doubtful whether the company would ever be able to raise the money necessary to build the road and thus render the lands salable. Congress must have been blind, indeed, if it did not foresee this, and intend to authorize the use of the lands to raise money by mortgage for the object it had so much at heart. This, we think, was what was intended by the phrase "or disposed of" as distinguished from "sold." Some of the lands might be sold as the work was progressing, and others could be used in aid of the construction only by pledging them to persons who might be willing to advance money on the faith of their prospective value. But whether sold or used as a security for money loaned to advance the construction of the road, they were equally employed for the purpose for which they were granted. The words "disposed of" are undeniably apt words to indicate a transfer by mortgage. If land be conveyed to A, to enable him to raise money for a particular purpose, nobody would doubt that a mortgage would be a disposition of the land for that purpose, and the grant made by the third section of the act of 1862 was obviously made, as we have suggested, with the intent of giving present assistance to the company in the construction of the road. It was not intended to be available only after the company had raised all the money necessary for the work. Then the time of need for the purpose mentioned would have gone by. The act declares it to have been "to aid in the construction of the road," not to reimburse expenditures made in the construction. Hence it must have been intended that the company might use or dispose of the land in some other way than by a sale. But in what other way? Not by gift, for that would not have been in aid of the construction, and the grant was intended for that. Nor by leases. They could have brought little money. And no other mode of disposition, except by mortgage, has been suggested which could furnish aid for building the road. No other is conceivable. The conclusion would seem, therefore, to be almost inevitable that Congress, when speaking of a disposition of the lands other than a sale, contemplated making them available for the purposes of the grant by mortgage.

And if so, it is hard to believe that only a limited interest in the lands was allowed to be hypothecated. Twelve years were designated as the period within which the road was required to be completed, and lands not sold or disposed of within three years thereafter were to be open to pre-emption. Moreover, under the provisions of the act, the title to the lands could be perfected in the company only as the work of construction advanced—that is, as each section of forty miles was completed. The company might not become entitled to some until July 1, 1874. If, therefore, a mortgage could only bind the lands unsold until the expiration of three years after that date, it would have been an hypothecation for a term of years, and as to some of the lands for a term of only three years. Was that the aid proffered by Congress to stimulate and render possible the completion of an enterprise in which it felt so deep an interest? If so, it was a barren gift. Looking at the character of the lands and their remoteness from settlements, it must have been evident enough that money could not have been raised on the credit of such a mortgage. The power of disposition given for the express purpose of enabling the company to raise money for the construction of the road, by such an interpretation of the act, is made of no value. The interpretation, therefore, defeats the manifest intention of Congress, and for that reason it cannot be accepted.

If it be suggested, as it has been on behalf of the complainant, that the mortgage contains a provision that has some bearing upon the extent of its lien, it may be well here to notice that provision. The instrument purports to convey to the trustees a fee, and not a limited estate, and it requires in all sales that may be made under it the conveyance of a fee. It contains, however, the following clause: "It is hereby declared by the parties to this indenture that all the provisions of the said acts of Congress (referring to the acts of 1862 and 1861), so far as they are applicable, are hereby made and shall be deemed and taken to be a part of this instrument, and the

said provisions in all that concerns the sale and disposal of the said lands hereby conveyed to the parties of the second part are to be observed and strictly and faithfully carried out and fulfilled."

What are thus stipulated to be observed and strictly and faithfully to be carried out and fulfilled are the provisions of the acts in all that concerns the sale and disposal of the lands. They are matters to be carried out and strictly fulfilled—duties to be performed by the company and duties which concern the sale or disposal of the land. Carrying out and performing a provision implies action, and the provision must, therefore, be one relating to action. But the acts of Congress contain no provision respecting the sale or disposal of the lands that requires action, that is, something to be carried out and fulfilled, except the implied duty of devoting the proceeds of sales or dispositions strictly and faithfully to aid in the construction of the road.

The provision that at the expiration of three years from the completion of the road the unsold or undisposed-of lands should be open to pre-emption was in its nature not one to be "strictly and faithfully carried out and fulfilled" by the company. The right to pre-emption of whatever might be left for pre-emption was a matter with which the company had nothing to do—in relation to which they had no duties to perform, and only a right to the price paid by the pre-emptor. The clause of the mortgage referred to seems, therefore, to have been intended only as a stipulation on the part of the company that whatever money was raised on the mortgage should be strictly and faithfully applied in furtherance of the purpose for which the grant of the lands was made, namely, to aid in the construction of the railroad. Thus understood, it was a valuable stipulation for the mortgagees. It added to their security, for the value of the lands depended principally upon the application by the company of all its means to the completion of the work.

On the other hand, if an hypothecation of the lands in fee was within the power to "dispose of" them, as we have endeavored to show, and if the granting part of the mortgage made, standing by itself, did hypothecate a fee, it is hard to believe the parties intended, by the stipulations referred to, to restrict the exercise of the power to the grant of an estate for years, a limitation alike injurious to the mortgagors and the mortgagees. We think, therefore, nothing in the stipulation is repugnant to the granting part of the mortgage which purported an hypothecation of the entire fee.

There is always a tendency to construe statutes in the light in which they appear when the construction is given. It is easy to be wise after we see the results of experience. We may now think it quite possible the lands could all have been sold before July 1, 1877. The unforeseen success of the enterprise and the unprecedented rush of emigration along the line of the railroad have shed new light upon the value of the grants made to the company. But in endeavoring to ascertain what the Congress of 1862 had intended, we must so far as possible place ourselves in the light that Congress enjoyed, look at things as they appeared to it, and discover its purpose from the language used in connection with the attending circumstances. Guided by this rule of construction, as well as by others universally recognized, we have been led unhesitatingly to the conclusion that the deed of trust or mortgage executed by this company in 1867 was a disposition of the lands granted by the third section of the act of 1862, within the meaning of that act.

We do not say that any mortgage, however small or manifestly made to evade a bona fide execution of the purposes for which the grants were made, or made to defeat the policy of the government which encourages the sale of public lands to private settlers and guards against the accumulation of large bodies in single hands, would be a disposal as understood by Congress. It may be conceded it would not be, for it would be in conflict with the avowed object of the grant. The present is no such case. By the pleadings it appears that the mortgage of 1867 was made "for the purpose of raising money necessary to continue and complete the construction of the railroad in accordance with the act of Congress." Nor are we now called upon to decide whether the lands covered by the mortgage will not be open for pre-emption, if they shall remain unsold after the mortgage shall be extinguished. That question is not now before us.

The principal objection urged against the interpretation we have given to the words "sold or disposed of" is that it is repugnant to governmental policy of guarding against monopolies of public lands by large corporations or single individuals. It must be admitted that Congress had that policy in view when it declared that the lands not sold or disposed of within three years after the entire road should be completed should be subject to settlement and pre-emption at a price not exceeding one dollar and twenty-five cents per acre. But this policy was manifestly subordinate to the higher object of having the road constructed, and constructed with the aid of the land grant. No limitation was set to the quantity of land which the company might sell to single associations or single persons. It was left at liberty to sell, if it could, to any land association or private purchaser the entire body of the lands or any lesser quantity, regardless of the general legislative policy. It was allowed to sell or dispose of the grant at its pleasure for the purpose of raising money to aid in the road.

construction, provided thus raising the money was done within the limited period. With that power no pre-emptor was authorized to interfere. Whatever contingent rights he had were postponed and subordinated to it. If, as we think it manifest, the leading primary policy of the act was to place the lands in the hands of the company to be used for the completion of the road, as this work progressed, any secondary policy the government may also have had in view ought not to be allowed to embarrass or defeat that which was primary. It is evident Congress thought there might be remnants of the grant not used in aid of the construction of the road, either because other resources of the company might prove sufficient or because it might be found impossible to dispose of them in time to furnish such aid, and those remnants it undertook to open to settlement and pre-emption. This appears to us to have been what was intended, and all that was intended. The construction gives full effect alike to the paramount and subordinate purposes of the act. Each has its own field of operation. The construction contended for by the appellant restricts the power of disposition, denies the authority of the company to utilize, except partially, for the purposes of the grant, the land granted, and might have impaired and possibly defeated the leading purpose of the grant. It subjects the paramount to the subordinate, and postpones the primary object to the secondary. On the other hand, utilizing the lands by raising money upon them through a mortgage, or, in other words, disposing of them by mortgage, did not defeat the policy of opening the remnants not used to pre-emption.

Thus construing the last clause of the third section of the act, in connection with all the other provisions made by Congress, endeavoring to give effect to every part, and regarding the spirit as well as the letter, we are constrained to hold that the mortgage of 1867 was a disposition of the lands mortgaged within the meaning of the statute, and, consequently, that the tract of land claimed by the complainant was not open to pre-emption when he undertook to pre-empt it. He has, therefore, no equitable title to it.

The decree of the circuit court is affirmed.

In view of the last preceding decision, this Office, with the approval of the honorable the Secretary of the Interior, issued the following circular, viz:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 23, 1879.

GENTLEMEN: By office circular dated August 10, 1878, in pursuance of a decision by the honorable Secretary of the Interior, dated July 23, 1878, in the case of Nelson Dudymott *vs.* The Kansas Pacific Railway Company, instructions were given to permit, in manner prescribed, pre-emption filings and entries upon lands granted to certain railroad companies by the act of Congress approved July 1, 1862, where such lands had not been sold by the companies within three years after the entire completion of their respective roads, nor prior to the applications to file therefor.

This office is now in receipt of the following instructions from the honorable Secretary, which are communicated for your information and guidance:

DEPARTMENT OF THE INTERIOR,
Washington, May 7, 1879.

SIR: On July 23, 1878, in the case of Nelson Dudymott *vs.* Kansas Pacific Railway Company, involving the right of Dudymott to file a declaratory statement on the north half of the northeast quarter lot No. 7, and the southwest quarter of the northeast quarter of section 7, township 11 south, range 5 east, State of Kansas, which tracts fall within the granted limits of said company, made by the act of July 1, 1862, as amended by the act of July 2, 1864, it was held—

“First. That the grant to said company was made subject to all the conditions named in the granting act, one of which is that all the lands so granted ‘which shall not be sold or disposed of by said company within three years after the entire road shall have been completed shall be subject to settlement and pre-emption like other lands, at a price not exceeding one dollar and twenty-five cents per acre, to be paid to said company.’

“Second. That more than three years having elapsed since the entire road was completed, all of the lands inuring to said company by virtue of its grant, not sold, are subject to settlement and pre-emption, like other public lands, at one dollar and twenty-five cents per acre.”

Subsequently a motion was made by said company to reconsider and recall said decision. This motion was denied by my decision of September 3, 1878.

On August 10, 1878, you issued instructions to the local officers for the entry of lands falling within the granted limits of the railroad companies therein mentioned, in accordance with my decision of July 23, 1878.

In a case recently decided by the Supreme Court of the United States entitled Will-

iam H. Platt *vs.* The Union Pacific Railroad Company and Frederick L. Ames, it was held that a mortgage executed by said company was a disposition of the lands within the meaning of the third section of the act of July 1, 1862.

I herewith transmit the application of Henry Beard, esq., attorney for the Kansas Pacific Railway Company, requesting, in view of said decision of the Supreme Court and of the matters therein stated, that said instructions be recalled.

This request recites the fact of the execution of certain mortgages by said company, copies of which are on file in this department.

Under the decision of the Supreme Court, so far as the lands have been mortgaged by the companies within the time specified, they are disposed of and not subject to the pre-emption law.

You will, therefore, recall said instructions so far as they affect the companies whose lands have been thus mortgaged.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

In accordance with the foregoing, the instructions contained in the aforesaid circular are hereby recalled, so far as the same directed the permission of filings or entries for tracts mortgaged by the respective companies within the period specified by the statute, and the said instructions are modified as follows:

Where any person shall apply as prescribed by said circular to file a pre-emption claim for any tract granted to any company by the act of July 1, 1862, or acts amendatory thereof, and where the entire road shall have been completed for more than three years, you will proceed as directed by the said circular. If the company shall report that the land had been mortgaged or sold, describing the mortgage, deed, or instrument of conveyance, you will reject the application to file, subject to appeal. If the company shall state that the land had not been mortgaged or sold, allow the filing, proof, payment, and entry as instructed. In case of neglect or refusal by the company to furnish the required statement, order a hearing as before instructed, requiring the applicant to show that there is neither a mortgage nor sale of record in the proper county, and permitting the company to establish the fact of a prior mortgage or sale.

With these modifications, you will be governed strictly by the terms of the said circular of August 10, 1878.

Applications heretofore made, and now before this office, will be disposed of as they are reached in the order of business.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

REGISTERS AND RECEIVERS UNITED STATES DISTRICT LAND OFFICES.

DEPARTMENT OF THE INTERIOR,
May 23, 1879.

Approved:

C. SCHURZ,
Secretary.

BECK ET AL. *vs.* THE CENTRAL PACIFIC RAILROAD COMPANY.

The fact that the United States Supreme Court, in the case of Newhall *vs.* Sanger, decided that patent had erroneously issued to the railroad company for one tract of land within the Moquelamas grant does not invalidate the title of the company to other tracts within this grant for which it has received patents. Such patents may be looked upon as voidable and capable of being annulled under the principle established by the court, yet they are not void until set aside and annulled by a court of competent jurisdiction.

A patent is the highest evidence of title, and is conclusive as against the government and all claiming under junior patents or titles until it is set aside or annulled by some judicial tribunal. The issuing of a patent is a ministerial act, but when issued it can only be voided by the judgment of a court. (United States *vs.* Stone, 2 Wall., 525; Hughes *vs.* United States, 4 Wall., *id.*, 232; 11 How., 552.)

A patent issued by the land department, acting within the scope of its authority, and delivered to and accepted by the grantee, passes the legal title to the land. All control of the executive department of the government over the title thereafter ceases.

The only remedy left a contesting claimant for unlawful issue of patent is by bill in chancery. (Moore *vs.* Robbins, 6 Otto, 530.)

As it appears that the lands in question were within the boundaries of the Mexican grant, they were reserved by the act of March 2, 1851, and as this reservation existed at the date of the railroad withdrawal, it follows that patents have erroneously issued to the railroad company. Proceedings should be commenced by the United States to set aside said patents and a new survey should be made.

No pre-emption or homestead filings nor homestead entries for lands alleged to be within the limits of this grant, which have been patented to the company, will be allowed until the patents have been annulled by the proper legal tribunal.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 30, 1879.

SIR: I have considered the case of Clayton Beck *et al.* *vs.* The Central Pacific Rail-

road Company, successor to the Western Pacific Railroad Company, involving certain lands in townships 3 and 4 north, ranges 8 and 9 east, M. D. M., Stockton land district, California, on appeal from your decision of January 25, 1878, adverse to the plaintiffs. The facts of this case are these:

The lands in question are alleged to have been within the boundaries of the Moquelamas Rancho, a Mexican grant which was finally rejected by the Supreme Court of the United States on February 13, 1865. (2 Wall., p. 279.) By act approved July 1, 1862 (12 Stat., 492), Congress granted to certain railroad companies, of which the Western Pacific, by subsequent legislation, became one, every alternate section of public land designated by odd numbers within ten miles of their respective roads, not sold, reserved, or otherwise disposed of, and to which a pre-emption or homestead claim may not have attached at the time the line of the road was definitely fixed. This grant was enlarged by the amendatory act of July 2, 1864. (13 Stat., 356.) The lands within the limits of said grant were withdrawn on January 31, 1865, and subsequently patented to the company under formed rulings of your office.

At its October term, 1875, the Supreme Court of the United States decided, in the case of *Newhall vs. Sanger* (2 Otto, p. 761), that lands within the boundaries of an alleged Mexican or Spanish grant, which was undergoing judicial investigation under the act of March 3, 1851, at the date of the withdrawal for railroad purposes, were not embraced in the grant to the company.

After this decision was rendered, Beck and others settled upon said lands and applied to file pre-emption declaratory statements, and make homestead entries of the same. The local officers rejected said applications on the ground that the lands had been patented to the railroad company; and on appeal you rejected them on the ground that the lands were not within the boundaries of the Moquelamas grant, basing your decision upon the fact that they were not included in the list of townships suspended by the surveyor-general on September 21, 1864, to await the final action of the courts on the question of title.

Two questions arise in this case, viz:

1. What was the exact legal effect of the decision of the Supreme Court with reference to the lands in question?

2. What lands were actually included within the boundaries of the Moquelamas grant?

With reference to the first question presented, it appears from an examination of the case of *Newhall vs. Sanger*, that the quarter-section of land involved in that case had been patented to the Western Pacific Railroad Company in 1870, and subsequently conveyed by it to the appellee who was the complainant in the court below. The appellant derived title by mesne conveyances from one Ransom Dayton, to whom a patent of a later date had been issued, in which it was recited that the tract was within the exterior limits of the Moquelamas grant, and that the patent to the company had been issued by mistake.

The court decided that the act of 1851 created a reservation of the lands within the exterior boundaries of the alleged private grant, and as this reservation existed at the date of the withdrawal for railroad purposes, the tract in question was not embraced in the grant to the company, and the patent issued was therefore void.

The immediate effect of this decision was to declare void the patent issued to the company for the quarter-section of land in suit, and none other.

A patent can only be avoided by an action directly involving the question of title to a specific tract of land, and not by a collateral suit.

The decision of the court in the case under consideration established the law of property as to that case, and avoided the title of the company as to that particular tract, but it does not follow that all other patents for lands within the limits of the Moquelamas grant are to be treated as void.

Patents issued for other lands within the limits of this grant may be looked upon as voidable and capable of being annulled under the principle established by the court, yet they are not void until set aside and annulled by a court of competent jurisdiction.

A patent is the highest evidence of title, and is conclusive as against the government and all claiming under junior patents or titles until it is set aside or annulled by some judicial tribunal. The issuing of a patent is a ministerial act, but when issued it can only be avoided by the judgment of a court. (*United States vs. Stone*, 2 Wall., 525; *Hughes vs. United States*, 4 Wall., 232; *Id.*, 11 How., 552.)

A patent for public land issued by the Land Department acting within the scope of its authority, and delivered to and accepted by the grantee, passes the legal title to the land. All control of the executive department of the government over the title thereafter ceases.

If there be any lawful reason why the patent should be canceled or rescinded, such as fraud, mistake, or misconstruction of the law, the appropriate remedy is by bill in chancery, brought by the United States or any contesting claimant having a prior equity, but no executive officer is authorized to reconsider the facts on which it was

issued, and to recall or rescind it, or to issue one to another party for the same tract. (*Moore vs. Robbins*, 6 Otto, 530.)

Under the law as construed by the Supreme Court in the cases above cited, the department has no jurisdiction or control over the lands covered by the uncanceled patents for lands within the limits of the Moquelamas grant, and no filings or entries upon the same can be received until said patents have been annulled by the courts. The consideration of the question at issue in the present case might be closed at this point; for if the lands claimed by these settlers are within the limits of the Moquelamas grant this department can exercise no control over them until the patents are avoided, and if they are without those limits, then they were properly patented to the company. I am of opinion, however, that it is the duty of the government to cause proceedings to be instituted to annul the patents improperly issued to the company for lands within the boundaries of this grant; and with a view, therefore, of determining what particular tracts fall within the class mentioned, and with a further view of procuring a proper identification of such boundaries which will be available as evidence before the court on the trial of the suit, I deem it proper to consider the second question raised.

2. What lands were actually included within the boundaries of the Moquelamas grant?

This grant was alleged to have been made by Pio Pico, Mexican governor of California, to his brother, Andres Pico, at Los Angeles, in the month of May, 1844. The original concession described the lands as follows:

"1. He will be owner in fee of eleven square leagues on the river Moquelamas, bordering upon the north upon the southern shore of said river, on the east upon the adjacent ridge of mountains, on the south upon the land of Mr. Gulnac, and on the west upon the estuaries of the shore. * * *

"3. He will apply to the proper justice to give him juridical possession by virtue of this title, who will designate the boundaries, placing the usual landmarks."

There does not appear to have ever been any *diseno* or map of the lands so granted; and judicial possession was never given as required by the terms of the grant and the laws of Mexico.

No survey of this grant and identification of the specific landmarks called for as boundaries were ever made by the United States.

Prior to the final rejection of the grant by the Supreme Court, the surveyor-general of California improperly extended the public surveys over the lands within the claimed limits of the grant, and caused copies of the plats of survey to be filed in the local land office.

On September 21, 1864, the surveyor-general notified the local land officers that the following-named townships were suspended "to await the final determination of the boundaries of the Rancho 'Moquelemo,' now pending before the United States Supreme Court," viz:

Townships 2 north, ranges 5, 6, and 7 east.

Townships 3 north, ranges 5, 6, and 7 east.

Township 4 north, range 6 east (part south of river).

Township 4 north, range 7 east (part south of river).

Township 4 north, range 5 east (part south of river).

There is nothing to show upon what data the surveyor general based his action in reserving the above-mentioned townships, and it is evident that the townships suspended did not represent all of the lands within the landmarks mentioned in the concession. The northern boundary was the Moquelamas River. This boundary is clearly defined, and is, no doubt, properly shown on plat transmitted to your office by the register of the local land office at Stockton, on December 16, 1870.

The southern boundary was the lands of Mr. Gulnac. It appears from the records of your office that in the year 1844 a grant of eleven leagues of land was made to G. Gulnac by Governor Micheltoreno. This grant, which is known as Rancho Campo de los Franceses, was confirmed by the United States district court on February 5, 1858, which decree subsequently became final on failure of the government to prosecute its appeal. Said grant was surveyed in 1858, and patented to Charles M. Weber on March 18, 1861. The northern boundary of this grant formed the southern boundary of the Moquelamas grant, and this boundary is therefore well defined, and, I think, properly described on the plat transmitted by the register, as above stated.

The western boundary was the *estuaries* of the shore. I think there can be no doubt that the "*estuaries* of the shore" referred to were the lands which were overflowed from the Sacramento and San Joaquin rivers.

The official surveys show that all of the lands between the Sacramento and San Joaquin rivers and the west line of townships 3 north, range 5 east; 4 north, range 5 east, and 5 north, 5 east, south of Moquelamas River, are notoriously swampy and overflowed, and wholly unfit for cultivation. All of the lands in township 2 north, range 5 east, are of the same class. Part of townships 3 north, 5 east, and 4 north, 5 east, are of the same class. I am of opinion that a fair construction of the language

of the grant would fix the western boundary of the Moquelamas rancho at the line of segregation between the wet and dry lands.

The call of the eastern boundary was the "adjacent ridge of mountains."

The plat transmitted by the register fixes this boundary upon the north and south line between townships 2 and 3 north, range 7 east, and 2 and 3 north, range 8 east.

On examination of the official surveys of townships 2 and 3 north, range 8 east, I am unable to find any description of mountains given which will answer the calls of this boundary. The nearest range of mountains on the east appears to be in township 3 north, range 9 east. This township is shown to contain 2,561.35 acres of unsurveyed mountains, which are situated in the northeast corner thereof. Township 3 north, range 10 east, is shown to contain 7,087.82 acres of unsurveyed mountains, which are situated in the northwest portion of the township, and form part of the chain of mountains lying in township 3 north, range 9 east.

The official surveys were not made with reference to the calls of this grant, and it is therefore impossible to determine from the general description contained in the field-notes whether the mountains here mentioned are the identical mountains called for in the grant, yet it would appear that such is the case. This point, if established, will fix the easterly boundary nearly two townships east of the line fixed on the plat constructed by the local officers in 1870.

With the official data before me, it is impossible to identify this boundary with certainty. This cannot be done unless a survey is made and the landmarks are clearly identified and connected with official surveys.

Inasmuch as the duty of instituting proceedings to set aside the patents improperly issued to the company will devolve upon the United States, and as the proofs necessary to sustain an action cannot be made without a satisfactory identification of the boundaries of this grant by actual survey, you are directed to cause a survey and plat of the grant to be made by the surveyor general of California without unnecessary delay.

No pre-emption filings nor homestead entries for lands alleged to be within the limits of this grant, which have been patented to the railroad company, will be allowed until the patents have been annulled by the proper legal tribunal.

The applications of Beck *et al.* are rejected for the reasons stated, and the papers transmitted with your letter of August 14, 1878, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

As further showing the principles on which the grants in aid of railroads are adjusted, I subjoin the following:

CIRCULAR INSTRUCTIONS TO REGISTERS AND RECEIVERS RELATING TO THE ADJUSTMENT OF RAILROAD GRANTS, ISSUED NOVEMBER 7, 1879.

Regulations respecting conflicting claims upon railroad lands.

I.

Under the provisions of the acts of Congress granting lands to aid in the construction of railroads, wherein there are excepted from such grants the lands to which a valid pre-emption or homestead right had attached at the time when the grant may have become effective, the department has decided as follows:

1. A homestead entry, made by a person duly qualified, which is in all respects regular and legal, excepts the land covered thereby from the operation of a railroad grant attaching during the existence of such entry.

Under this ruling it is no longer necessary to hold investigations for the purpose of inquiring into the period of residence of the claimant, his acts respecting settlement upon and cultivation of the tract, &c.; but if the entry appears upon its face to be valid, no hearing will be ordered.

In case allegations are presented by a railroad company, tending to show *fraud* or irregularity in the initiation of the entry, proper opportunity will be afforded for the presentation of proof thereof.

The law (section 2289 United States Revised Statutes) requires that a person making a homestead entry must be over twenty-one years of age, or the head of a family, and a citizen of the United States, or have declared his intention to become such, and at the time of making such entry he must swear that it is made for the purpose of cultivation, and not, directly or indirectly, for the use and benefit of any other person.

The foregoing regulation has reference only to lands within the *granted* limits of railroads, the Supreme Court of the United States having recently decided in the case

of Michael Ryan vs. Central Pacific Railroad Company that the right to *indemnity* lands does not attach until those lands are regularly selected.

Where, however, entries or filings have been admitted upon lands within the indemnity limits of any railroad grant, they will be allowed to stand, awaiting the final adjustment of such grant, when, if the tracts are not required in satisfaction thereof, the entries or filings may be consummated.

2. A pre-emption claim which may have existed to a tract of land at the time of the attachment of a railroad grant, if subsequently abandoned and not consummated, even though in all respects legal and *bona fide*, will not operate to defeat the grant, it being held that upon the failure of such claim the land covered thereby inures to the grant as of the date when such grant became effective.

Under this ruling, therefore, no hearings can be ordered for the purpose of ascertaining the facts respecting the settlement, occupation, improvement of the lands, etc., by such pre-emption claimant, for even if such facts were established, still under the decision the land inures to the grant.

II.

Where application is made by the agent of a railroad company to select lands on which homestead entries existed at the time the railroad grant took effect, but which it is alleged were fraudulent or irregular in their inception, you will order hearings to determine the status of the entries, giving at least 30 days' notice in writing of the time and place of such hearing to all persons interested.

At such hearing your inquiries should be directed to the personal qualifications of the homestead party, and all facts touching the regularity of the entry. Inquiry respecting the residence of and cultivation by the party need not be made.

At the close of the hearing you will transmit to this office the testimony, prefaced by copies of the notices served, with your joint opinion thereon. When application is made by a railroad company to select land on which pre-emption filings have heretofore been made and canceled, or when the same have expired by limitation of law, no other claim or entry appearing of record, you will admit the selections in accordance with the rules governing in the premises herein communicated.

No proofs by the company concerning such claims will hereafter be required.

III.

Whenever an application to file or enter is presented, alleging upon sufficient *prima facie* cause that the land is excepted out of the railroad grant, you will give notice thereof to the proper representative of the railroad company within whose grant the land applied for is situated, and allow thirty days within which the company may present objections to the allowance of such filing or entry. Should the company fail to respond, or show any reason why, in your judgment, the application should not be allowed, you will admit it; but should the company present any allegations of the character contemplated in the preceding section, you will order an investigation and be governed by the instructions therein given. Whenever an application is presented which you deem it your duty to reject, you will indorse upon such application the date of its presentation and your reasons for rejection; and upon appeal being taken therefrom in the manner and within the period prescribed by the rules of practice of the department, you will forward the rejected application as a basis for your report to this office, together with the appeal and other papers which may be filed with you for that purpose. Your report should set forth in full the status of the land as shown by your records, including all filings, remarks, and notes found thereon, or such reference to the same as will present the entire case to the attention of this office.

IV.

Selections by railroad companies.

By the seventh paragraph of section 2238 of the Revised Statutes it is provided that in the location of lands by States and corporations, under grants from Congress for railroads and other purposes (except for agricultural colleges), the register and receiver shall each be entitled to a fee of one dollar for each final location of one hundred and sixty acres, to be paid by the State or corporation making such location.

1st. Under this law the registers and receivers are each entitled to receive a fee of one dollar for each final location of one hundred and sixty acres, or any quantity approximate thereto, when the deficit is less than forty acres.

2d. When the several quantities shall have been definitely ascertained by you to inure to the grant, as hereinafter prescribed, the fees will then be due thereon.

3d. The State, through its grantee, or the grantee, as the case may be, is required

to file with the register and receiver of the proper land office descriptive lists of the tracts of land claimed as inuring under the grant within sections of _____ miles each along the line of route, on both sides thereof, to be dated and verified by the signature of the selecting agent.

For agent's certificate, to be attached to the list, see Form A.

The party appearing as the agent of the grantee must file with the register and receiver written and satisfactory evidence, under seal, showing his authority to act in the premises.

In the preparation of the descriptive lists, the register and receiver will afford the agent all reasonable facilities, taking care, however, not to interrupt the current public business.

The lists must be carefully and critically examined by the register and receiver, and their accuracy tested by the plats and records of their office. When so examined and tested, and found correct in all respects, they will become final locations, and you will, on the payment of the requisite fees to the receiver, so certify at the foot of each list, according to Form B.

After such lists have been examined and you have attached your certificate thereto, the same will be consecutively numbered, commencing with No. 1, for each railroad or separate grant. Upon the payment of the fees and certification of the lists by you, the register will post the selections in the Tract-Book after the following manner:

"Selected _____, 18____, by A. B., agent for the _____ Rail- Co., act _____, list No. ____; and on the plats he will mark the tracts so selected "_____ R. R."

After the selections are properly posted and marked on the plats, the lists will be transmitted to this office, accompanied by the evidence of the agent's appointment.

It is required that clear lists of approvals shall in every case be made out by you, or required of the selecting agents, after your examination of the tracts which you are prepared to certify, showing clearly and without erasure the description of the lands and the area of each tract; also the aggregate area, properly footed in the columns, and set forth in the certificate.

For rejected selections you will then require a new application and list, with tender of fees, upon which you will note opposite each tract the objections appearing upon your records, and indorse thereon in full your reasons for refusing to certify the same.

Should the agent appeal, you will allow him to file the points of exception to your ruling in writing, properly drawn and dated, which, when completed, you will forward to this office. No erasures should appear in such lists. The rejection will sufficiently appear from your notes and indorsements, and, if finally admitted, the lists will then be in complete and perfect order for filing. To secure uniformity, and to make the list convenient for binding, properly ruled blanks will be furnished upon application.

Lists containing erasures received at this office will not be filed, but will be returned to you for perfection.

4th. The fees will be due in all cases where the service may have been rendered subsequent to the passage of said act of 1864.

5th. The receiver will account for the fees thus paid in his monthly and quarterly accounts, specially setting forth in the same the particular case or cases on which such fees had accrued, giving the name of road, number and date of the list of selections for which they had been paid.

6th. By joint resolution No. 10, of January 30, 1865, "mineral lands" are not embraced in the grants made at the first session of the Thirty-eighth Congress, unless otherwise specially provided in the act or acts making the grants. (Revised Statutes, section 2346.)

Herewith is a form of title page to be prefixed to the list of selection. (See Form C.)

V.

Indemnity selections for railroad companies.

In the adjustment of grants for railroads the principle has, until recently, prevailed that indemnity was allowed for all lands sold, reserved, or disposed of within the granted limits, whether such sale, reservation, or disposal occurred before or after the granting act; and the certifications and patents have been executed in conformity thereto.

In accordance with the recent decision of the Supreme Court in the case of Leavenworth, Lawrence & Galveston Railroad Company vs. United States (2 Otto, 733), it is held by the department that indemnity can only be allowed for lands sold, reserved, or disposed of in the granted limits by the general government after the granting act and prior to the time when the railroad right attached, unless the grant be one of quantity specifically set forth in the act. In the adjustment of all grants it conse-

quently becomes necessary to know for what lands lost *in place* the indemnity selections are made, and with the view to that end you will require the companies to designate the specific tracts for which the lands selected are claimed.

VI.

Costs of surveying and conveying lands.

By a proviso to the act of Congress approved July 31, 1876 (19 Statutes, 121), making appropriations for sundry civil expenses of the government, etc., it is declared, "That before any lands granted to any railroad company by the United States shall be conveyed to such company or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest."

It has been decided by the department that in the adjustment of all railroad grants falling within the terms of that act, the requirements thereof must be complied with. No certifications or patents can issue, therefore, to any railroad company affected by the statute until the costs of surveying, selecting, and conveying the lands have been paid.

The cost of surveying includes the expense of field and office work, and may be paid in the manner indicated in subdivision seven of this circular.

The cost of selecting is fixed by section 2238 of the Revised Statutes, before referred to, and payment thereof will be governed by the regulation prescribed in subdivision four of these instructions.

The cost of conveying will be governed by the rates fixed by law for the preparation of certified copies, namely, fifteen cents for each one hundred words or fraction thereof. As a patent is required to be recorded, the payment must be made at double those rates, or at the rate of thirty cents for each one hundred words, in order that the necessary expense of conveying the land may be covered.

The provisions of the said act are construed as not applying to grants made to States to aid in the construction of railroads not named in the granting act; but where the grant is to a State in trust for the benefit of a company named—where the State is simply an intermediary and not a beneficiary—the payment required must be made.

VII.

Pacific railroads under acts of Congress approved July 1, 1862, and July 2, 1864.

By section 21 of the latter act, these companies are required to pay the cost of surveying and conveying the lands, in addition to the register and receiver's fees exacted by section 2238 of the Revised Statutes before mentioned.

This cost of surveying and conveying is, by the decision of the United States Supreme Court, at the December term, 1872, applicable to all the lands granted by acts of July 1, 1862, and July 2, 1864. Therefore, the "cost" will be assessed and collected on all the lands within twenty miles from the line of the road, where the grant is under both acts.

To ascertain the cost of "surveying," which includes both *surveying in the field* and *office work*, the company will apply to the surveyor general of the State or Territory in which the lands are situated. Upon ascertaining the sums due for surveying and office work for the "section or sections of road" for which selections have been or are to be made, a deposit of those sums must be made, to the credit of the Treasurer of the United States, with an authorized depository. The duplicate of deposit must be filed with the surveyor general; whereupon he will transmit to the register and receiver of the proper land office his certificate of such payment having been made, specifying how much was for surveying and how much for office work, as per Form D.

The surveyor general's certificate and the evidence of the agent's appointment must accompany the lists of selections when transmitted by you to this office.

Let me here call your special attention to the necessity of great care in the examination and testing of these lists, so that all conflicts may be avoided and improper selections be excluded, and that the verified schedules may be absolutely accurate, thus avoiding embarrassment and delay to all concerned.

9th. Pacific Railroad act, July 2, 1864.—It is provided in section 4 that the word "mineral," when it occurs in that act, shall not be held to include coal and iron. Therefore, iron and coal lands are subject to selection by the Pacific railroads; but all other minerals are expressly excluded from the grant, and must necessarily be so from all selections you may certify to this office.

VIII.

Relinquishments by railroads in favor of settlers.

By an act of Congress approved June 22, 1874 (18 Stats., p. 194), it is provided:

"That in the adjustment of all railroad land grants, whether made directly to any railroad company or to any State for railroad purposes, if any of the lands granted be found in the possession of an actual settler whose entry or filing has been allowed under the pre-emption or homestead laws of the United States subsequent to the time at which, by the decision of the Land Office, the right of said road was declared to have attached to such lands, the grantees, upon a proper relinquishment of the lands so entered or filed for, shall be entitled to select an equal quantity of lands in lieu thereof from any of the public lands not mineral, and within the limits of the grant, not otherwise appropriated at the date of selection, to which they shall receive title the same as though originally granted, and any such entries or filings thus relieved from conflict may be perfected into complete title as if such lands had not been granted: *Provided*, That nothing herein contained shall in any manner be so construed as to enlarge or extend any grant to any such railroad, or to extend to lands reserved in any land grant to any such railroad, or to extend to lands reserved in any land grant made for railroad purposes: *And provided further*, That this act shall not be construed so as in any manner to confirm or legalize any decision or ruling of the Interior Department under which lands have been certified to any railroad company when such lands have been entered by a pre-emption or homestead settler after the location of the line of the road and prior to the notice to the local land office of the withdrawal of such lands from market."

By reference to the foregoing it will be perceived that an inducement is offered to such railroad companies as may be found entitled to lands held by actual settlers under the pre-emption or homestead laws to relinquish in favor of the settlers, and receive other lands in lieu of those surrendered.

Upon the filing of such relinquishment this office is authorized to recognize the filing or entry of the settler in the same manner as if the land had not been granted to the railroad company.

To facilitate the adjustment of conflicting claims and give effect to the provisions of the act, the following rules are established:

1. When the superior right of the company is ascertained, and it is found that the claim of the settler is such that it would be admitted were the railroad claim extinguished, this office will, in all practicable cases, direct the attention of the officers of the company to the fact, and request an explicit answer whether or not the land will be relinquished.

At the same time it will be well for the party interested to seek for himself the relief indicated by direct application to the railroad authorities, and thereby aid in securing a speedy and satisfactory adjustment.

2. Relinquishment may be made by a simple waiver of claim where the patent or its equivalent has not been issued in behalf of the company; but where title has passed formal reconveyance will be required, as in other cases of the surrender of patents.

3. When making relinquishment the company will be permitted to name the tract selected as indemnity; and in order that conflict with pending applications may be avoided, such relinquishment and selection should be filed with the register and receiver, and be noted upon their records, before transmission to this office.

But in case the company desires to relinquish at once in favor of the settler, and trust to future selections for indemnity, such relinquishment may be sent direct to this office, and upon its receipt will be noted on the books, and the claim of the settler will be immediately released from suspension.

4. The selections must be lands, not mineral, within the limits of the grant and withdrawal, free from other claims, and not reserved or otherwise appropriated at the date of selection.

5. Where fees have been paid upon the original selections they will be applied to the indemnity. Where tracts not yet formally selected are relinquished, fees will be charged upon the indemnity selections.

6. The selections will be reported by the register and receiver in the same manner as original selections, with a reference to the act by its date and title; and opposite to each tract annotation will be made of the tract surrendered, and the name of the settler in whose favor it is relinquished, with the number of his entry or filing. (See Forms E and F.)

Properly ruled blanks will be furnished for convenience in making the selections.

As the act is not mandatory upon the companies, but simply provides a mode of adjustment depending upon their voluntary action, and as the relief proposed is vital to many settlers, who through error resulting from various causes have made homes

upon the lands granted, it is hoped that by a liberal and mutual spirit of compromise and concession on the part of settlers and railroad officials its beneficent provisions may be made available, and substantial advantages to all may be secured at small cost and trouble to the parties concerned; and although the adjustments will involve this office in a large amount of labor, it will be cheerfully undertaken for the purpose of accomplishing a result so desirable.

IX.

Confirmation of pre-emption and homestead claims in railroad limits.

On the 21st of April, 1876, Congress, by an act entitled "An act to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the land department," declared:

"That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed, and patent for the same shall issue to the parties entitled thereto.

"SEC. 2. That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, and shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

"SEC. 3. That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor." (19 Stat., p. 35.)

It is required that every application under this act shall be in such form as to distinctly set forth the facts in the case, and the specific grounds upon which the party applying claims to be included in the terms of the law; and after the application shall have been filed the applicant shall be allowed to make proof of compliance with the pre-emption or homestead laws as provided in this act.

Applications under this act must, in all cases, be made to the local land officers of the district within which the land claimed is situated, and the proof required must be taken before them, or before any person authorized by law to take the same.

No person shall be deemed to have lost any right who failed to make the proof required by the pre-emption or homestead laws by reason of any decision or ruling of this office prior to the approval of this act, and all such persons may now make the proof required.

The proof must, in all cases, be filed with you; and you will transmit each case separately to this office, with such information as is in your possession relative thereto

X.

Right of way railroads;

The following is a copy of an act of Congress, approved March 3, 1875, granting to railroads the right of way through the public lands of the United States:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations

not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

"SEC. 2. That any railroad company whose right of way, or whose track or road-bed upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of the said canyon, pass, or defile, for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade. And the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall, before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile.

"SEC. 3. That the legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public lands of the United States may be condemned; and where such provision shall not have been made, such condemnation may be made in accordance with section three of the act entitled 'An act [to amend an act entitled an act] to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two,' approved July second, eighteen hundred and sixty-four.

"SEC. 4. That any railroad company desiring to secure the benefits of this act, shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a profile of its road; and upon approval thereof by the Secretary of the Interior, the same shall be noted upon the plats in said office; and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way: *Provided*, That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

"SEC. 5. That this act shall not apply to any lands within the limits of any military, park, or Indian reservation, or other lands specially reserved from sale, unless such right of way shall be provided for by treaty stipulation or by act of Congress heretofore passed.

"SEC. 6. That Congress hereby reserves the right at any time to alter, amend, or repeal this act, or any part thereof."

The regulations under the law are as follows:

I. Any railroad company desiring to obtain the benefits of the law is required to file—

First. A copy of its articles of incorporation, duly certified to by the proper officer of the company, under its corporate seal.

Second. A copy of the State or Territorial law under which the company was organized (when organized under State or Territorial law), with certificate of the governor or secretary of the State or Territory that the same is the existing law.

Third. When said law directs that the articles of association, or other papers connected with the organization, be filed with any State or Territorial officer, the certificate of such officer that the same have been filed according to law, with the date of the filing thereof.

No forms are prescribed for the above portion of the "due proofs" required, as each case must be governed to some extent by the laws of the State or Territory. Under the following regulations proper forms will be found herein:

Fourth. The official statement, under seal, of the proper officer, that the organization has been completed; that the company is fully authorized to proceed with the construction of the road according to the existing law of the State or Territory; and that the copy of the articles filed with the Secretary of the Interior is true and correct.

Fifth. A true list, duly verified by the sworn statement of the President, under the seal of the company, showing the names and designation of its respective officers at the date of the presentation of the proofs at the department.

These may be transmitted directly to the Secretary of the Interior, or through this office, or they may be filed with the register of the land district in which the principal terminus of the road is to be located, who will forward them to this office.

II. Upon the location of any section of the line of route of its road, not exceeding twenty miles in length, the company must file with the register of the land district in which such section of the road, or the greater portion thereof, is located, a map, for

the approval of the Secretary of the Interior, showing the termini of such portion of the road, its length, and its route over the public lands according to the public surveys.

The map must be filed within twelve months after the location of such portion of the road, if located upon surveyed lands, and, if upon unsurveyed lands, within twelve months of the survey thereof. It must bear—

First. Affidavit of the chief engineer of the company (or person employed to make the survey, if the company has no chief engineer) setting forth that the survey of the line of route of the company's road from — to —, a distance of — miles (giving termini and distance), was made by him (or under his direction) as chief engineer of the company (or as surveyor employed for the purpose, if such be the case), under authority of the company, on or between certain dates (giving the same); and that such survey is accurately represented on the map. If the affidavit is made by the chief engineer of the company, it must be signed by him officially.

Second. Official certificate of the president of the company, attested by its secretary under its corporate seal, regarding the person signing the affidavit either as to his being the chief engineer of the company or as to his employment by the company for the purpose of making such survey; that the survey was made under authority of the company; that the line of route so surveyed and represented by the map was adopted by the company, by resolution of its board of directors of a certain date (giving the date), as the definite location of the line of route of the company's road from — to —, a distance of — miles (giving termini and distance), and that the map has been prepared to be filed for the approval of the Secretary of the Interior, in order that the company may obtain the benefits of the acts of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

III. It will be observed that the requirements of the law regarding the filing of the proper papers and maps are conditions precedent to the obtaining of the right to construct a railroad over the public lands, or to take therefrom material, earth, stone, and timber for its construction, or to occupy them for station or other purposes. It is therefore imperative that proper steps, as pointed out in this circular, should be taken by a company, and the approval of the Secretary of the Interior obtained prior to the construction of any part of its road or its occupancy of the public lands in any manner.

IV. Should the company desire to construct its road over lands prior to their survey, it may file, in manner as heretofore indicated, a map of its surveyed route without waiting until the lands are surveyed, and, upon approval thereof, may proceed with construction, but, immediately on the survey of the lands over which the road passes, the company must also file a map showing the line of route of its road over such lands, in order that the proper notes and records for the protection of its rights may be made.

V. Upon construction of any section of the line of its road the company must file with the register of the proper land district, for transmission to this office, a map of such constructed portion of road, bearing—

First. Affidavit of the chief engineer or person under whose supervision the portion of the road was constructed, that its construction was commenced on —, and finished on — (giving dates); that the line of constructed road is accurately represented upon the map, and that it conforms to the line of located route which received the approval of the Secretary of the Interior on — (giving date).

Second. Certificate of the president of the company, attested by the secretary under the corporate seal, that the portion of the road indicated by the map was actually constructed at the time as sworn to by the chief engineer of the company (or person making the affidavit), and on the exact route shown on the map; that in its construction the road does not deviate from the line of route approved by the Secretary of the Interior, and that the company has in all respects complied with the requirements of the act of March 3, 1875, granting right of way through the public lands.

Any variation within the limits of one hundred feet from the central line of the road as located will not be considered a deviation from such line, but where, upon construction, it is found necessary to transgress the limits within which the company has right of way, the company must at once file proper map of amended route for approval.

VI. If the company desires to avail itself of the provision of the law which grants the use of "ground adjacent to the right of way for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road," it must file for approval, in each separate instance, a plat, showing, in connection with the public surveys, the surveyed limits and area of the grounds desired. Such plat must bear—

First. Affidavit of the chief engineer or surveyor by whom or under whose supervision the survey was made, to the effect that the plat accurately represents the surveyed limits and area of the grounds required by the company for station or other

purposes, under the law (stating the purposes), in ———, (giving section, township, range, and State or Territory); that the company has occupied no other grounds for station or other similar purposes upon public lands within ten miles of the grounds designated on the plat, and that, in his belief, the grounds so represented are actually and to their entire extent required by the company for the necessary uses contemplated by law.

Second. Certificates of the president of the company, attested by the secretary under the corporate seal, that the survey of the tract represented on the plat was made under authority and by direction of the company by or under supervision of its chief engineer (or person making the survey), whose affidavit is attached; that such survey accurately represents the grounds actually and to their entire extent required by the company for station (or other) purposes in ——— (giving section, township, range, State or Territory) allowed by the provisions of the act of Congress approved March 3, 1875, granting to railroads the right of way through the public lands; that the company has no station or other grounds upon public lands within a distance of ten miles from the grounds represented on the plat; and that the company, by resolution of its board of directors of a certain date (giving the date), directed the proper officers to present the plat for the approval of the Secretary of the Interior in order that the company may obtain the use of the grounds under the law above referred to.

VII. Registers at the various land offices are directed to require that such papers and maps herein referred to as may be filed with them for transmission to this office shall conform to these regulations. Where differences of opinion may arise between themselves and the persons filing papers respecting the proper construction of these requirements, the papers may be transmitted with letter stating the differing opinions.

They are also instructed in any case where information is received by them of the construction of railroads within their districts, of the rights of which they have no official knowledge, to promptly advise this office of the facts in order that proper information or directions in the matter may be given them.

VIII. Action upon maps filed will be facilitated by presenting them in duplicate. The attention of companies seeking the benefit of this act should be specially directed to this suggestion, as serious delays and embarrassments are often incurred through inability of this office, owing to its limited clerical force, to prepare the necessary copies for transmission to the district offices.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
November 7, 1879.

Approved.

C. SCHURZ,
Secretary.

The forms referred to in the foregoing are omitted, as they are published in full in the printed circular, which can be had upon application to this office.

Mineral lands.

During the last fiscal year much excitement over alleged mineral discoveries (principally of argentiferous galena) has existed in certain portions of *Arkansas*, principally in Montgomery County, Camden land district.

Several applications for appointment as deputy mineral surveyors have been made, and some have been acted upon favorably, it being represented that a large number of mineral claims had been located, but were unsurveyed for want of such officers.

No estimate of the value of the discovery can be made from any knowledge possessed by this office. Representations have, however, been made which were sufficient to justify me in withdrawing several townships from sale under the agricultural laws until their non-mineral character should be determined by hearings duly advertised; and the evidently increasing interest and vigor which have now for more than a year centered in said locality would seem to indicate a possible value in the mines.

It having been represented likewise that large deposits of coal and iron existed in the Huntsville and Montgomery land districts in *Alabama*, a competent geologist was deputed to make an examination of the lands therein, and his report, already submitted to you, shows the existence of large deposits of both coal and iron.

Most of the coalfields are so far removed from means of transportation, the expense necessarily attending their proper development so large, and the available capital in that region so limited, that said agent recommended that the lands be sold as agricultural only.

It is worthy of mention that in Missouri and Kansas all lands are subject to disposal only under the agricultural laws (act of May 5, 1876), while their situation and the comparative value of the deposits would probably furnish no better arguments for the exception of their mineral lands from the operation of the mineral laws than would those in Alabama.

It is also very probable that to withhold said lands in Alabama from sale, except as mineral, might postpone their disposition for a long period.

I respectfully recommend that the advisability of selling the mineral lands in Alabama in the same manner as now provided in case of the other States above named be favorably suggested to Congress.

Below is a statement showing the mining claims patented during the fiscal year ending June 30, 1879.

Name of mine.	Mining district.	Township.	Range.
ARIZONA.			
<i>Mohave County.</i>			
Schuyllkill mine.....	Wallapai.....	23&24 N	18 W.
Shenectadi mine.....	do.....	24 N.	18 W.
<i>Pima County.</i>			
Enterprise lode.....	Patagonia.....		
<i>Yavapai County.</i>			
Silver Prince mine.....	Peck.....		
Second North Extension of the War Eagle mine.....	Bradshaw Mountain.....		
Goodwin mine.....	Turkey Creek.....		
Tiger lode.....	Tiger.....	10 N.	1 W.
CALIFORNIA.			
<i>Alpine County.</i>			
Esmeralda and Hercules lodes.....	Monitor.....	9 & 10 N	21 E.
Mountain gold and silver quartz mine and mill site.....	Silver Mountain.....		
<i>Amador County.</i>			
Mammoth quartz mine.....	Aqueduct City.....	6 N.	12 E.
F. W. Knapp et al. placer.....	Rancheria.....	7 N.	12 E.
John Wieland et al. placer.....	Todds Valley.....	13&14 N	10 E.
F. M. Cook et al. placer.....	Clinton.....	6 N.	12 E.
<i>Butte County.</i>			
Benjamin Russell et al. placer.....		19 N.	4 E.
Charles St. Sure et al. placer.....	Live Oak.....	19 N.	4 E.
W. C. Hendricks placer.....	Morris Ravine.....	20 N.	4 E.
<i>Butte and Yuba Counties.</i>			
W. J. Rickman et al. placer.....	Honcut.....	18 N.	5 E.
<i>Calaveras County.</i>			
Wet Gulch and Chaparral quartz mine and mill site.....	Mill Valley.....	5 N.	12 E.
Lorenzo Serfora Garibaldi placer.....		3 N.	14 E.

Mining claims patented, &c.—Continued.

Name of mine.	Mining district.	Town-ship.	Range.
<i>Del Norte County.</i>			
Albert Doolittle et al. placer.....			
<i>El Dorado County.</i>			
Rock Tunnel placer.....	White Rock.....	11 N.	11 E.
Daniel T. Hall et al. placer.....	Webber Hill.....	10 N.	11 E.
Yellow Jacket quartz mine.....	do.....	10 N.	11 E.
Thomas Alderson et al.....	Smith's Flat.....	10 N.	11 E.
Henry Püss placer.....	Ringgold.....	10 N.	11 E.
La Moille quartz mine.....	Mud Springs.....	9 N.	10 E.
James Keane Ganong placer.....	Michigan Flat.....	11 N.	10 E.
Thomas R. Lamb et al. placer.....	Indian Diggings.....	8 N.	12 E.
Robert Nobel placer.....	Georgetown.....	12 N.	11 E.
Rosecrantz quartz mine.....	Garden Valley.....	12 N.	10 E.
Cyrus Adams placer.....	El Dorado.....	9 N.	10 E.
Ole C. Nelson Wheelock placer.....	Diamond Springs.....	10 N.	10 E.
Bolley quartz mine.....	do.....	10 N.	11 E.
Benjamin D. Mason et al. placer.....	Cold Spring.....		
<i>Fresno County.</i>			
Buchanan copper mine.....		8 S.	18 E.
<i>Humboldt County.</i>			
Henry Wilder et al. placer.....	Orleans Bar.....		
P. W. Wasmuth et al. placer.....	do.....	43 N.	15 W.
Red Cap copper mine.....	Caporum.....		
Union Gold Bluff placer.....			
<i>Lake County.</i>			
Jewess quicksilver mine.....	Lake.....	10 N.	7 & 8 W.
Robert Lee quicksilver mine.....	do.....	10 N.	7 W.
Dunham quicksilver mine.....	do.....	10 N.	7 W.
<i>Mariposa County.</i>			
Sierra Rica quartz mine.....	Colorado.....	4 S.	18 E.
<i>Mono County.</i>			
Olden lode.....	Bodie.....	4 N.	27 W.
Bryant lode.....	do.....	4 N.	27 W.
<i>Napa County.</i>			
Bella Union quicksilver mine.....	Napa.....	7 N.	5 W.
Minnesota quicksilver mine.....	Oat Hills.....	10 N.	6 W.
Mercury quicksilver mine.....	do.....	10 N.	6 W.
Manzanita quicksilver mine.....	do.....	10 N.	6 W.
Last Chance quicksilver mine.....	Vada.....	10 N.	5 W.
<i>Nevada County.</i>			
Marks Zellerbach placer.....	Columbia Hill.....	17 N.	9 E.
Biggs and Sims quartz mine.....	Grass Valley.....	15 N.	8 E.
Heirs of Peter Ismert, deceased, placer.....	do.....	16 N.	8 E.
Good Hope quartz mine.....	do.....	16 N.	8 E.
Saint John quartz mine.....	do.....	16 N.	8 E.
Buena Vista Blue Gravel placer.....	do.....	16 N.	9 E.
Grant quartz mine.....	do.....	16 N.	8 E.
G. A. Trick et al. placer.....	Lowell Hill.....	16 N.	10 & 11 E.
Malon Consolidated placer.....	Montezuma Hill.....	17 N.	8 E.
F. M. Hathaway et al. placer.....	Omega.....	17 N.	11 E.
San Francisco Copper Mining Company mill site.....	Spencerville.....	15 N.	6 E.
Grass Valley copper mine and mill site.....	do.....	15 N.	6 E.
Edwin R. Waring placer.....	Little York.....	15 N.	9 E.
Selby Hill Mining Company placer.....	Selby Flat.....	16 N.	8 & 9 E.
Constitution quartz mine.....	Willow Valley.....	16 N.	9 E.
D. E. Bush, Arkansas and Greenhorn placer.....	You Bet.....	16 N.	9 & 10 E.
<i>Placer County.</i>			
Henry A. Runkel et al. Nary Red placer.....	Dutch Flat.....	16 N.	10 E.
M. H. Power et al. placer.....	Michigan Bluff.....	15 N.	11 E.
Robert Lewis placer.....	Last Chance.....	15 N.	12 E.
S. G. Harper et al. Yolo placer.....	Lone Star.....	13 N.	8 E.
Francis Coy Blue Gravel placer.....	Lost Camp.....	16 N.	11 E.
Michael Smidt placer.....	Wisconsin Hill.....	14 & 15 N.	10 E.

Mining claims patented, &c.—Continued.

Name of mine.	Mining district.	Township	Range.
<i>Plumas County.</i>			
Plumas Eureka Mining Company placer.....		22 N.	11 E.
<i>Sacramento County.</i>			
Gyrus T. Wheeler et al. Mammoth placer.....	Michigan Bar.....	7 N.	8 E.
W. W. Light et al. placer.....	Rhodes Diggins.....	9 N.	8 E.
<i>Santa Clara County.</i>			
Summit quicksilver mine.....	Red Mountain.....	6 S.	5 E.
<i>Shasta County.</i>			
Bernard Gartland placer.....	French Gulch.....	33 N.	7 W.
Levi Davis placer.....	Sunny Hill.....	30 N.	7 W.
<i>Sierra County.</i>			
American Hill quartz mine.....	Sierra County.....	9 N.	11 E.
<i>Siskiyou County.</i>			
Joseph B. Leduc et al. placer.....		45 N.	10 W.
Wm. Burnes et al. placer.....	Liberty.....	40 N.	11 W.
<i>Sonoma County.</i>			
Great Western quicksilver mine.....	Greenville.....	8 N.	10 W.
<i>Trinity County.</i>			
Richard Riley placer.....	Lewistown.....	33 N.	8 W.
Henry Jacob et al. placer.....	Red Hill.....	33 & 34 N.	11 W.
David Evans placer.....	do.....	33 & 34 N.	11 W.
F. H. Bloss et al. placer.....	Trinity Centre.....	36 N.	7 W.
<i>Tuolumne County.</i>			
Henry S. Macomber Eureka placer.....	Brown's Flat.....	2 N.	14 E.
Samuel M. Billings et al. Jefferson placer.....	Springfield.....	2 N.	14 E.
Bown quartz mine and mill site.....	Tuolumne.....	2 N.	13 E.
Spring Gulch quartz mine and mill site.....	do.....	1 N.	16 E.
<i>Yuba County.</i>			
Manuel Roderick et al. placer.....	Odd Fellows.....	19 N.	6 E.
Young America Consolidated Mining Company placer.....	Sugar Flat and Empire.....	16 N.	6 E.
Thomas H. Steel et al. placer.....	Ohio Flat and New York Flat.....	19 N.	6 E.
COLORADO.			
<i>Boulder County.</i>			
Pride of the Mountain lode.....	Boulder.....	1 N.	71 W.
King Wilhelm lode.....	Central.....	2 N.	72 W.
Smuggler lode and mill site.....	do.....	2 N.	72 W.
Mystic lode.....	Gold Hill.....	1 N.	72 W.
Mountain Chief lode.....	do.....	1 N.	71 W.
Belle of Memphis lode.....	do.....	1 N.	71 W.
Golden Crown lode.....	do.....	1 N.	72 W.
White Cloud lode.....	do.....	1 N.	72 W.
Centennial lode.....	Grand Island.....	1 S.	73 W.
Grand Island lode.....	do.....	1 S.	73 W.
Ten Forty lode.....	do.....	1 S.	73 W.
No Name lode.....	do.....	1 S.	73 W.
Vancluse lode.....	Sugar Loaf.....	1 N.	71 W.
Yellow Pine lode.....	do.....	1 N.	71 W.
Central Columbia lode.....	Ward.....	1 N.	73 W.
Brighton lode and mill site.....	do.....	1 N.	72 W.
Milwaukee lode.....	do.....	1 N.	73 W.
<i>Clear Creek County.</i>			
Columbus lode and mill site.....	Argentine.....	4 S.	75 W.
Stephens lode and mill site.....	do.....	5 S.	75 W.
Black lode.....	Downieville.....	2 S.	74 W.
George Gregory lode.....	do.....	3 S.	74 W.
Golconda lode.....	Empire.....	2 S.	73 W.

Mining claims patented, &c.—Continued.

Name of mine.	Mining district.	Township.	Range.
<i>Clear Creek County—Continued.</i>			
Adriatic lode.....	Geneva.....	3 S.	75 W.
Baltic lode and mill site.....	do.....	5 S.	75 W.
Celtic lode and mill site.....	do.....	5 S.	75 W.
Gaelic lode and mill site.....	do.....	5 S.	75 W.
Oceanic lode and mill site.....	do.....	5 S.	75 W.
Republic lode and mill site.....	do.....	5 S.	75 W.
Colorado lode.....	do.....	5 S.	75 W.
Gilman lode.....	do.....	5 S.	75 W.
Planet lode.....	do.....	5 S.	75 W.
Robinson lode.....	Griffith.....	4 S.	74 W.
Emma lode.....	do.....	4 S.	74 W.
Lone Tree lode.....	do.....	4 S.	74 W.
Heaton lode.....	do.....	4 S.	74 W.
Edgar lode.....	do.....	4 S.	74 W.
George M. Henty mile site.....	Griffith and Queens.....	4 S.	75 W.
Clarisa lode.....	Idaho.....	3 S.	78 W.
Nonpareil lode.....	do.....	3 S.	78 W.
J. Vassar Harbottle et al. mill site.....	Morris.....	3 S.	73 W.
Kieth No. 3 lode.....	do.....	3 S.	74 W.
Beanzy lode.....	Spanish Bar.....	3 S.	73 W.
Hyland lode.....	do.....	3 S.	78 W.
Little Emma lode.....	Upper Union.....	4 S.	74 W.
T. G. Negus et al. placer and Great Equator lode.....	do.....	3 S.	74 W.
Duncan lode.....	Queens.....	4 S.	75 W.
<i>Gilpin County.</i>			
Huddleston lode.....	Eureka.....	3 S.	73 W.
Jackson lode.....	do.....	3 S.	73 W.
Rialto lode.....	Gregory.....	3 S.	73 W.
First Centennial lode.....	do.....	3 S.	73 W.
Sterling lode.....	do.....	3 S.	78 W.
Gregory lode.....	do.....	3 S.	73 W.
Great Mammoth lode.....	Illinois Central.....	3 S.	73 W.
R. D. Kinney lode.....	do.....	3 S.	73 W.
White Pine lode.....	Independent.....	2 S.	73 W.
John Q. A. Rollins placer.....	do.....	2 S.	73 W.
Motto lode.....	Nevada.....	3 S.	73 W.
Hope lode.....	Phoenix.....	1 S.	73 W.
Parker lode.....	do.....	1 S.	73 W.
Centennial lode.....	Russell.....	3 S.	73 W.
Frontenac lode and mill site.....	do.....	3 S.	73 W.
John Q. A. Rollins placer.....	South Boulder.....	1 & 2 S.	73 W.
John Q. A. Rollins placer.....	do.....	2 S.	73 W.
<i>Fremont County.</i>			
South Humboldt lode.....	Hardscrabble.....	22 S.	71 W.
<i>Hinsdale County.</i>			
Dolly Varden lode.....	Galena.....		
Ute lode.....	do.....		
Ute lode and mill site.....	do.....		
<i>Lake County.</i>			
Belcher lode.....	California.....		
Carbonate lode.....	do.....		
J. D. Dana lode.....	do.....		
Faint Hope lode.....	do.....		
New Discovery lode.....	do.....		
Shamrock lode.....	do.....		
Oro Mining, Ditch and Flaming Company placer.....	do.....		
Thomas Star placer.....	do.....		
Jason B. Hall placer.....	do.....		
William H. Stevens et al. placer.....	do.....		
Thomas S. Wells et al. placer.....	do.....		
Oro Mining, Ditch and Flaming Company placer.....	do.....		
William H. Jones et al. placer.....	Granite.....		
Bonanza lode.....	do.....		
Venus lode.....	Red Mountain.....		
<i>Ouray County.</i>			
Buckeye Girl lode.....	Mount Sneffels.....		
Caribou lode.....	do.....		
Chief Deposit lode.....	do.....		
Circassian lode.....	do.....		
Highland Lassie lode.....	do.....		

Mining claims patented, &c.—Continued.

Name of mine.	Mining district.	Township.	Range.
<i>Ouray County—Continued.</i>			
Imogene lode.....	Mount Sneffels.....		
Pocahontas lode.....	do.....		
Potosi lode.....	do.....		
Seven Thirty lode.....	do.....		
Cimarron lode.....	San Miguel.....		
Bradley lode.....	do.....		
American Flag lode.....	Uncompahgre.....		
Mother Cline lode.....	do.....		
Michael Breen lode.....	do.....		
Royal Albert lode.....	do.....		
Royal Consort lode.....	do.....		
Duke of Edinburgh lode.....	do.....		
No. 1 lode.....	do.....		
No. 2 lode.....	do.....		
No. 3 lode.....	do.....		
No. 4 lode.....	do.....		
Whippoorwill lode.....	do.....		
<i>Park County.</i>			
Gertrude lode.....	Consolidated Montgomery.....		
Bell Gill lode.....	do.....	8 S.	78 W.
Highland lode.....	do.....	8 S.	78 W.
Mohawk lode.....	do.....		
Baker lode.....	do.....	8 S.	78 W.
Pogue lode.....	do.....		
Golden Era lode.....	Buckskin.....	9 S.	78 W.
Phillips lode.....	Buckskin Joe.....	9 S.	78 W.
McNab lode.....	Montgomery.....	8 S.	78 W.
Hart-to-beat lode.....	Mosquito.....		
Chicago and New York Mining and Smelting Company placer.....		9 S.	78 W.
<i>Rio Grande County.</i>			
Little Nellie lode.....	Summit.....	37 N.	3 & 4 E.
Little Ida lode.....	do.....	37 N.	4 E.
<i>San Juan County.</i>			
Trail lode.....	Animas.....		
Oriental lode.....	do.....		
No. 1 lode and mill site.....	do.....		
Flat Broke lode.....	do.....		
Rocky Mountain Chief lode.....	Eureka.....		
Whale lode.....	do.....		
Cynic lode.....	do.....		
Empire State lode.....	do.....		
Belmont lode.....	do.....		
Almont lode.....	do.....		
Denver Bell lode.....	do.....		
Prairie lode.....	do.....		
Greenfield lode.....	do.....		
Silver Wing lode.....	do.....		
Cashier Lode.....	do.....		
Maid of the Mist lode.....	Uncompahgre.....		
<i>Summit County.</i>			
Robley lode.....	Bevan.....		
Vanderbilt lode.....	Pollock.....		
Woodchuck lode.....	Snake River.....	6 S.	76 W.
Walker lode.....	do.....	6 S.	76 W.
Boston Silver Mining Company mill site.....	do.....	5 S.	76 W.
Champion lode.....	do.....		
DAKOTA.			
<i>Lawrence County.</i>			
John W. Allen et al. placer.....	Lost.....		
Highland Chief lode.....	Whitewood Quartz.....		
MONTANA.			
<i>Beaver Head County.</i>			
Franklin lode.....	Bryant.....		
Oneida lode.....	do.....	3 S.	11 W.
Granby lode.....	Vipond.....		
Olin lode.....	do.....	1 S.	11 W.

Mining claims patented, &c.—Continued.

Name of mine.	Mining district.	Township.	Range.
<i>Deer Lodge County.</i>			
William T. Ballard et al. placer	Ballard and Pioneer	44 N.	11 W.
Iyer Wulff placer	Basin Gulch	10&11 N.	7 W.
Algonquin lode	Flint Creek		
Rhoderick D. Leggat et al. placer	Highland	1 N.	7 W.
Cliff No. 2 lode and mill site, Lady Byron and mill-site, Walter B. Dance No. 2 lode and the Horton lode	Horton	7 N.	13 W.
John Treanor et al. placer	Moose Creek		
Allen Kimmerly et al. placer	Ophir Gulch Pences	10 N.	8 W.
Andy Johnson lode	Summit Valley		
Banker lode	do.	3 N.	8 W.
Bonanza lode	do.	3 N.	8 W.
Clear Grit lode	do.	3 N.	8 W.
Green Mountain lode	do.	3 N.	7 & 8 W.
Original lode	do.	3 N.	8 W.
Parrot lode	do.	3 N.	8 W.
Stevens lode	do.	3 N.	8 W.
Stewart lode	do.	3 N.	8 W.
Woolman lode	do.	3 N.	8 W.
Duncan Seaton et al. placer	Washington Gulch	12 N.	8 & 9 W.
John Lannen, Mouth of Bear placer		11 N.	14 W.
John Gerds et al. placer		12 N.	8 W.
James O'Donnell			
<i>Jefferson County.</i>			
Samuel T. Hauser et al. placer	Boyt's Gulch and Cannon Creek		
Gregory lode and mill site	Colorado	7 N.	4 W.
James M. Ryan et al. placer		3 N.	5 W.
<i>Lewis and Clarke County.</i>			
Seth Bullock et al. placer	Dry Gulch	10 N.	3 W.
San José lode	Greenhorn		
Roman Kuhn et al. placer	Grizzly Gulch	9&10 N.	4 W.
Henry Hay et al. placer	Oro Fino Gulches	10 N.	4 W.
Emma Miller lode and mill site	Ottawa	11 N.	6 W.
J. H. Morrison lode	Ten Mile		
S. P. Bassett lode	do.		
William Coyne lode	do.		
Bunker Hill lode	do. unorganized	8 N.	5 W.
Crown Point No. 1, east lode	do. do.	8 N.	5 W.
Evergreen lode	do. do.	8 N.	5 W.
Green Grove lode	do. do.	8 N.	5 W.
Rob Roy lode	do. do.	8 N.	5 W.
East half of Merrimac lode			
Oriole lode and mill site		10&11 N.	4 W.
William C. Shippen placer		10 N.	3 W.
William Chumanero et al. placer		11 N.	2 W.
<i>Madison County.</i>			
Mammoth lode and mill site	Mineral Hill		
Willow Creek lode	do.		
Oscar A. Sedman placer	Nevada	6 S.	3 W.
Edwin G. Herenden et al. placer	Pine Grove and Highland	7 S.	3 W.
Aurora lode	Silver Star	2 S.	6 W.
Boraellis lode	do.	2 S.	6 W.
Clipper lode	do.	2 S.	6 W.
Glenn's Falls lode	do.	2 S.	6 W.
Harlem lode	do.	2 S.	6 W.
Iron Rod lode	do.	2 S.	6 W.
Quincy lode	do.	1 S.	6 W.
Victoria lode	do.	2 S.	6 W.
Oro Cashe lode	Summit		
NEVADA.			
<i>Esmeralda County.</i>			
Esmeralda lode	Esmeralda		
Valiant mine	Red Mountain		
Pocotillo lode	Silver Peak		
Silver Eagle lode	do.		
Sunrise lode	do.		
Vanderbilt lode and mill site	do.		

Mining claims patented, &c.—Continued.

Name of mine.	Mining district.	Township.	Range.
<i>Elko County.</i>			
Modoc mine.....	Tuscarora.....		
Young America lode	do	40 N.	51 E.
<i>Eureka County.</i>			
Southern Cross No. 2, mine and mill site.....	Eureka		
<i>Lander County.</i>			
Gleason lode	Reese River		
<i>Lyon County.</i>			
Teddy O'Neal lode.....	Devil's Gate and Chinatown ...	16 N.	21 E.
<i>Nye County.</i>			
Florence lode.....	Hot Creek	7 N.	50 E.
Neckar lode	Tybo	6 N.	50 E.
Second Extension east Q. G. lode	do	6 N.	49 & 50 E.
Great American Rooster Ledge & Co. lode and mill site	Union.....		
<i>Storey County.</i>			
Benton mine	Gold Hill	17 N.	21 E.
Grosh lode	do	17 N.	21 E.
Hartford lode	do	16 N.	21 E.
Seventy-Six mine	do	17 N.	21 E.
Agassiz lode	Virginia	17 N.	21 E.
Progress lode	do	17 N.	21 E.
<i>White Pine County.</i>			
Belcher lode.....	Lake.....	14 N.	63 E.
Empire mine	White Pine	16 N.	57 E.
Baldy Saur lode	do	16 N.	58 E.
Argile lode.....	do		
Jenny A. mine	do		
Keystone lode	do	16 N.	58 E.
Second South Extension of the Hidden Treasure lode	do		
Saint Louis lode	do	16 N.	57 E.
Young America lode	do		
UTAH.			
<i>Beaver County.</i>			
Allen G. Campbell et al. mill site.....	San Francisco.....		
Allen G. Campbell et al. Gravepian Smelter mill site	do		
Horn Silver mine.....	do		
<i>Juab County.</i>			
Sunbeam and First Southern Extension Sunbeam lode consolidated.....	Tintic	10 S.	2 W.
<i>Millard County.</i>			
Sulphur King lode.....	Gordon	25 S.	6 W.
<i>Tooele County.</i>			
Weston mine	Ophir		
Weston mine	do		
Wandering Jew, East and West Consolidated mine.....	do		
<i>Salt Lake County.</i>			
Defiance mine	Rush Valley	4 S.	5 W.
Moltke mine.....	Little Cottonwood		
Albino mine	West Mountain		
Black Jack mine.....	do		
Burning Moscow mine.....	do		
Green Grove mine	do		
Northerly 1,200 feet of Last Chance lode	do		
Sawwart lode	do		
Southwest half of first extension northeast of Yosemite mine	do		

Mining claims patented, &c.—Continued.

Name of mine.	Mining district.	Town-ship.	Range.
<i>Summit County.</i>			
Woodside lode.....	Uintah	2 S.	4 E.
<i>Utah County.</i>			
Silver Dipper lode.....	American Fork		
<i>Washington County.</i>			
Pride of the West and Dodge Company mine.....	Harrisburg		

COAL PATENTS.

	Description.	Town-ship.	Range.
UTAH.			
Charles Ballard.....	W. $\frac{1}{2}$ of NE. $\frac{1}{2}$, and W. $\frac{1}{2}$ of SE. $\frac{1}{2}$, section 11.	14 S.	6 E.
Charles W. Morris.....	E. $\frac{1}{2}$ of SE. $\frac{1}{2}$ of section 3, and NE. $\frac{1}{2}$ of NE. $\frac{1}{2}$ of section 10.	14 S.	6 E.
William M. D. Lee.....	E. $\frac{1}{2}$ of SW. $\frac{1}{2}$ of section 11.	14 S.	6 E.
William W. Cluff.....	W. $\frac{1}{2}$ of NW. $\frac{1}{2}$, SE. $\frac{1}{2}$ of NW. $\frac{1}{2}$, and NW. $\frac{1}{2}$ of SW. $\frac{1}{2}$ of section 24.	3 N.	5 E.
Samuel Fletcher.....	NE. $\frac{1}{2}$ of NW. $\frac{1}{2}$ of section 26...	3 N.	5 E.

Mineral claims.....	343
Coal land claims.....	5
Total number of patents issued.....	348

I submit a number of decisions recently rendered affecting rights under the mineral-land laws, viz :

SMITH QUARTZ MINE.

- Applicant for patent, whose claim is based upon a *relocation* must, if he relocated *as owner*, furnish certified copy of original location notice, and abstract of title showing the ownership to be in him at date of relocation. If he relocated the claim *as abandoned ground*, he must clearly prove the abandonment of the prior owners.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., August 27, 1879.

GENTLEMEN: Mineral entry No. 630, lot No. 49, made in your office August 7, 1878, by John Smith upon the Smith quartz mine, Greenwood mining district, is suspended for a duly certified copy of the mining laws of said district in force at date of location of claim, to wit, June 2, 1877.

From an examination of the papers in this claim it appears that Smith's location is in fact a relocation of the premises. If applicant relocated *as the owner* he must furnish a duly certified copy of the original location, with certified abstract of title showing such ownership at date of his relocation.

If his relocation was based upon the abandonment of a prior locator, applicant should furnish proof of such abandonment by affidavits of himself and other credible parties who are personally acquainted with the facts. Such affidavits should state the fact with all possible particularity, giving dates of occupation and abandonment with circumstances attending the same.

Respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGISTER and RECEIVER,
Sacramento, Cal.

ANNUAL EXPENDITURES UPON LODGE CLAIMS.

A lodge claim located subsequent to May 10, 1872, requires \$100 annual expenditure from date of its location.

Lodge claims located prior to May 10, 1872, require the first annual expenditure to have been made by 1st of January, 1875, and each subsequent year reckoning from that date.

The annual expenditures having been made for any certain year the claim is not subject to relocation until the expiration of the next succeeding year.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE.

Washington, D. C., September 12, 1879.

SIR: In reply to your letter of 5th instant, you are advised that a lodge claim located subsequent to May 10, 1872, must have \$100 in labor or improvements expended upon it annually from its location.

Hence, if said amount is expended upon it during the first year, it cannot be relocated as abandoned ground until the expiration of the next (or second) year, as the locator or owner would have that entire second year in which to make the expenditures required, and if the expenditures for the second year are made the claim is not subject to adverse location prior to the expiration of the third year, for the same reason.

It is important in order to avoid the mistake, which you evidently make, to recollect that the date of location (in claims located subsequent to May 10, 1872) is the commencement of the year in which the expenditures are required, and that the whole of every succeeding year is allowed and available for making the annual expenditures required in it. January 1, 1875, is the date prior to which the first annual expenditures were required on claims located prior to May 10, 1872; and subsequent to January 1, 1875, the same rule as named above would apply to this class, the 1st of January of each year making the commencement of a new year in which certain expenditures must be made.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

E. H. SALTIEL, Esq.,
Canon City, Colo.

LOCATION BY AGENT, ENTRY BY OWNER.

1. A qualified person may locate, record, and develop a mining claim by agent.
2. Where he seeks patent, he himself must make all the affidavits required by the statute to be made by claimant.
3. An agent may make these affidavits for a corporation; and one member of an association of individuals not incorporated may, if authorized by his co-owners, make all necessary affidavits.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE.

Washington, D. C., September 19, 1879.

SIR: In reply to your letter of the 10th ultimo, you are informed that I see no legal objection to a qualified person's locating, recording, and developing a mining claim by agent. It amounts practically to hiring certain manual labor done, instead of performing it with his own hands. If, however, he seeks a patent from the United States, he must himself make all the affidavits required by statute to be made by claimant. If the owner is an incorporated company, an agent can act, as a corporation necessarily acts by its officers and authorized agents, and one member of an association of individuals not incorporated may, if authorized by the co-owners, make the application and necessary affidavits.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

MARSHALL BLINN, Esq.,
Olympia, Wash.

AREA WHICH CAN BE EMBRACED IN PLACER ENTRY.

- The area which may be applied for as a placer claim is unlimited, if the separate locations constituting it were of legal quantity, properly made, and contiguous, making one tract, and entire title is in applicant.
- Five hundred dollars' expenditure is required on each claim, not on each location so situated.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE.

Washington, September 20, 1879.

GENTLEMEN: In reply to your letter of 16th ultimo, you are informed that the area which may be applied for as a placer claim is unlimited, provided the separate loca-

tion constituting it were of legal quantity, properly made, are all contiguous, making one tract, and the entire title is in applicant for patent. Claims which include all forms of deposit except veins of quartz or other rock in place are treated as *placers*; \$500 expenditures are required on each *claim*, and not on each location, when applying for patent to land situated as aforesaid.

The fact that a party bases his right to a patent on the claim that he has held his land for a period which satisfies the statutes of limitation of his State or Territory, does not avoid the necessity of publishing and posting notices of his application for patent as in other cases.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

Messrs. SMITH BROS.,
Peels Marsh, Nevada.

ANNUAL EXPENDITURES ESSENTIAL TO DATE OF ENTRY.

1. Annual expenditures upon lode claims are necessary to date of payment and entry: and the fact that proceedings in court under an adverse claim have been pending for four years, does not waive this requirement.
2. The claim is not subject to relocation as abandoned ground until the expiration of the year next succeeding that for which the annual expenditure has been made.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., August 20, 1879.

GENTLEMEN: The papers in mineral entry No. 1074, lots Nos. 298, A and B, made in your office September 18, 1878, by the American Flag Gold Mining Company, upon the American Flag or Bennett Lode, Nevada mining district, Gilpin County, have been examined.

The said claim consists of two locations made August 12, 1861, and October 28, 1861, by Joshua Smith and T. D. Randall, and by R. J. Kilpatrick and T. D. Randall, respectively.

Application for patent was made July 20, 1874, by the American Flag Gold Mining Company, claimants by purchase. Publication was made for ten consecutive weeks from July 22 to September 23, 1874. Notice and plat were posted on the claim during the full period of publication, and the register certifies to the posting in his office during the same period. In fact, all proof necessary to complete the right to make entry in the absence of adverse claims was filed before the 20th of September, 1874.

On the 19th of September, 1874, two adverse claims were filed, one by the Colorado Central Gold Mining Company and the other by James and H. C. Clark. Application for patent was suspended and suits were commenced within thirty days by these adverse claimants, which were determined at the September, 1878, term of court, four years after their commencement, in favor of the American Flag Gold Mining Company. Certified copies of the judgment rolls were filed in your office September 18, 1878, and thereupon entry of the claim and payment were allowed.

Subsequently, but on the same day, William M. Finlay filed an affidavit protesting against the issuance of patent to the American Flag Gold Mining Company, setting forth that the said company, for more than one year next preceding the 27th day of May, 1876, had "failed and entirely neglected to make any improvement or do any work on said property as required by law, and left said property open to relocation and occupation"; that on the 27th day of May, 1876, finding the property thus abandoned, he entered upon and took possession of said claim, relocated it, sunk a shaft more than ten feet deep, and on the 30th of May filed a copy of his relocation notice in the office of the county clerk of Gilpin County, a certified copy of which notice is made a part of his affidavit; that since the 27th day of May, 1876, he had continued in quiet possession of the claim, and had expended more than eight hundred dollars thereon for improvements and labor. He asks that the entry of the American Flag Gold Mining Company be canceled and a hearing ordered relative to the failure of said company to make the expenditures on the claim required by law and to his relocation.

On the 21st of September, 1878, the company filed affidavits to show that sufficient expenditures had been made by it during the time in which abandonment is alleged to hold its possession of the premises, and that it had held continuous possession of same. One of the affidavits further testified that the alleged relocation by Finlay was made by working under the American Flag claim from a shaft sunk without its surface boundaries; and that the affiant had held a conversation with the attorney of Finlay, who had told him that Finlay's relocation was made at the instance of the Clarks, parties to one of the suits then pending in the courts against this claim.

There is no question that up to the date of publication of notice the American Flag

Gold Mining Company was the rightful holder of this claim. It has maintained this successfully in the courts, but the judgment of the court necessarily related to matters precedent to the application for patent and extended to nothing subsequent, and such prior right was the only thing in issue.

The statute contemplates no interruption of the annual improvements until this entry and payment of purchase money. No person who is *out of possession* can apply for patent, and one in possession can maintain it only in the prescribed manner. While the statute prescribes one way in which this possession must be maintained, it excludes every other.

By the statutory requirement the first annual expenditure on this claim should have been made by January 1, 1875, and prior to that date the claim was not subject to relocation; hence, if said company made its annual expenditure by said date the claim was not subject to relocation prior to January 1, 1876, as the company had the entire year of 1875 in which to make the next annual expenditure, and if such expenditures were made for the year ending December 31, 1875, or, if not so made, but prior to May 27, 1876, the company by its agents resumed work, the claim was not subject to the relocation of Finlay.

A hearing is hereby ordered to determine the facts.

Give thirty days' notice to the parties in interest, and thereupon proceed regularly to receive testimony upon the question of abandonment, and, after thirty days for appeal, report to this office.

Respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGISTER AND RECEIVER,
Central City, Colo.

DOLLY VARDEN MINE.

1. District land officers are not expected or required to transact business out of office hours or on Sunday.
2. There is no law of the United States, or of the State of Nevada, prohibiting them from so doing.
3. An adverse claim presented to the receiver and received by him on Sunday, the last day of publication, was filed within the legal period, and entitles the adverse claimant to a stay of proceedings.

DEPARTMENT OF THE INTERIOR,
Washington, July 17, 1879.

SIR: I have considered the appeal of George A. Sayer and Samuel Goldstone, from your decision of March 30, 1878, rejecting the adverse claim of the appellants to the application of the Hoosac Consolidated Gold and Silver Mining Company for a patent for 1,500 linear feet of the Dolly Varden mine, Secret Cañon mining district, Eureka, Nev., for the reason that said adverse claim was not filed within the time required by law.

You held that "officers are not expected nor required to transact official business after office hours, nor to leave their offices open for the transaction of business on Sunday"; and as "this adverse claim can only be considered as filed on Monday, the 17th September, 1877, it must be rejected."

From the statement of facts presented in this case it appears that the sixtieth day of publication of notice of the application fell on Sunday, September 16, 1877; that about 10 p. m. of the previous day, Mr. Sayer presented his adverse claim and tendered fees for the filing of the same to the register of the land office, who refused to receive said adverse claim or the fees for filing the same; that on the following day Mr. Sayer presented the adverse claim to the receiver of said land office, who accepted it, filed it, and received the fees for the same.

While it is true that officers are not expected nor required to transact business out of office hours, or on Sunday, still there is no law of the United States prohibiting them from doing such business, nor am I able to find any law of the State of Nevada which prohibits the transaction of ordinary business on the Sabbath day.

Both of said officers might properly have refused to receive such application either out of office hours or on the Sabbath day, but the receiver did receive the adverse claim, and filed the same, and by so doing, if suit was commenced within the time prescribed by law, I am of the opinion that the rights of the appellants were protected.

Your decision is therefore reversed, and the papers transmitted with your letter of May 8, 1879, are herewith returned.

Very respectfully,

C. SCHURZ.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

THOMAS KEMP ET AL. *vs.* THOMAS STARR.

1. Placer mining ground "valuable for minerals" should be reserved from sale, except as provided by law regulating the sale of mineral lands.
2. In a hearing to determine the character of the land, evidence should not be submitted as to the relative value of the land for town-site or mining purposes.

DEPARTMENT OF THE INTERIOR,
Washington, March 4, 1879.

SIR: I have considered the case of Thomas Kemp et al. *vs.* Thomas Starr, involving mineral application No. 177, Fair Play, Colo., on appeal from your decision of October 26, 1878, holding that the land in question is mineral in character.

Mr. Starr made application to enter a tract of land containing 164.61 acres as a placer mining ground, March 18, 1878. Publication was made, and notice and plat were posted as required by law. No adverse claim was filed or suit commenced within the statutory period; hence those who contest the application of Mr. Starr can, under the established rules of this department, appear only as protestants.

Subsequently, allegations were made that the land embraced in the application of Mr. Starr was not mineral in character, and an investigation was ordered by you at the local office.

At the hearing held, evidence as to the character of the land was submitted, and also as to its relative value for mining and town-site purposes. The evidence of the numerous witnesses was, as is usual in such cases, conflicting and contradictory.

After a careful consideration of the same, I concur with you that the land embraced in the application is land which should, under the provisions of section 2318, Revised Statutes, be held as "valuable for minerals," and should be reserved from sale, except as provided by law regulating the sale of mineral lands.

In my opinion, the evidence submitted as to the relative value of the land for town-site or mining purposes was improperly allowed.

If the land is mineral, it was subject to location only under the provision of the mining law without reference to the relative value of a portion of the tract for town site purposes.

I see no reason why the rule which has been established, and uniformly followed by this department for several years, viz, that in the absence of an adverse claim, a protestant cannot be recognized as an appellant from your decision, upon an application upon its merits, should be reversed in this case.

Your decision, that the land in question is mineral in character, is affirmed. As the character of the land is the only one properly before me on appeal, the case should be treated as an *ex parte* case in all other respects; and, if the applicant has shown full compliance with the law, patent should issue to him for the tract claimed.

The papers in the case are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

MILL SITES.

Land contiguous only to the surface ground of a lode claim is not within the prohibition of section 2337 Revised Statutes, and this ordinarily occurs when the mill site is contiguous to the side lines of the lode claim.

When the mill site abuts against the end lines of the lode claim it is not subject to entry.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 24, 1879.

GENTLEMEN: In the matter of mineral entry No. 1071, in the series of your office, for the claim of James M. Freeman et al. upon the Mollie Mullen lode and mill site, being surveys Nos. 305, A and B, the plat shows that the mill site (survey No. 305 B) abuts against the end of the lode and evidently contains within its limits the continuation thereof.

Section 2337 United States Revised Statutes provides that "where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface ground may be embraced and included in an application for a patent for vein or lode, and the same may be patented therewith."

It has been uniformly construed by this office that land contiguous only to the surface ground of a lode claim was not within the prohibition named, and this would ordinarily occur when the mill site is located contiguous to the side lines of the surface ground.

In this case, as has been stated, the mill site abuts against the end of the lode, and is not therefore subject to purchase and entry under said section, as now surveyed.

In view of the foregoing the application for a patent to the mill site (survey No. 305 B) is hereby rejected, and the entry thereof held for cancellation.

You will duly notify all parties in interest of this decision, allow sixty days for appeal, and thereafter make prompt report to this office of any action taken in the case.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGISTER and RECEIVER,
Central City, Colo.

MILITARY RESERVATION.

Mineral claims within military reservation cannot be sustained.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 30, 1879.

SIR: In reply to your letter stating that in company with others you located a gold ledge in July, 1877, that the military reservation at Camp Bowie has since been enlarged so as to include the same, and asking what steps are necessary for you to take to keep your claim alive, you are advised that while the land is within a government reservation you can do nothing to sustain it. Should the reservation be removed and the land restored to public occupation, you should relocate your claim.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

S. R. DE LONG, Esq.,
Camp Bowie, Ariz.

DEL NORTE LODGE.

1. Entry of mine in the interest of receiver of district land office improper.
2. In estimating the \$500 expenditures, essential to authorize entry, improvements made by former locators who had abandoned cannot be included.

DEPARTMENT OF THE INTERIOR,
Washington, June 23, 1879.

SIR: On April 24, 1876, Andrew M. Embry made application for patent for 1,500 linear feet on the Del Norte lode, Central City land district, Colorado, and made entry of the same on August 22, 1876, per mineral entry No. 782.

On March 27, 1878, William H. Morgan filed affidavits in your office alleging that neither the applicant for patent nor his grantors had made the expenditures on said lode required by law to entitle him to a patent, and that the expenditures made by said applicant and his grantors did not exceed in value the sum of twenty dollars.

On April 9, 1878, you ordered a hearing to determine the value of improvements made on said lode, by whom and when made, and the testimony was taken before the clerk of the district court of Gilpin County, Colorado, in June, 1878.

On December 20, 1878, you decided that neither the applicant nor his grantors had made the necessary expenditures on the mine to entitle him to a patent, and you accordingly held his entry for cancellation, and he has appealed from your decision.

The proofs in this case show that the application for patent is based on a location made on January 1, 1876, by Edward W. Henderson (receiver of the land office) and Robert B. Smock.

The abstract of title shows that on February 29, 1876, Smock conveyed his interest in the mine to Henderson, and Henderson deeded the mine to Andrew Embry on April 1, 1876.

Smock testified at the trial that he transferred his interest in the mine to Henderson for the purpose of facilitating the procurement of a patent, and Henderson testified that he was receiver of the land office; he doubted the propriety of making the entry in his own name, and therefore conveyed to Embry, and that Embry was really acting as trustee for himself and Smock, and that they were the actual owners of the mine.

The testimony shows, and it is admitted by Henderson, that no improvements were made on the mine between the date of location and the date of entry.

On January 2, 1878, Embry, with the knowledge and consent of Henderson and

Smock, leased the mine to Daniel R. Miller, who appears to have subsequently done about twenty dollars' worth of work on it.

Smock was a witness for Embry when he made his final proof and entry, and testified that the improvements made by Embry and his grantors on the Del Norte were worth not less than five hundred dollars, and that he (Smock) owned no interest whatever in said property—statements which were wholly untrue. The testimony in this case shows clearly—

First. That the conveyances from Smock to Henderson and from Henderson to Embry were fraudulent.

Second. That in the entry of this mine by the receiver of the local land office, through his agent Embry, that officer was guilty of a direct violation of the order of this department of August 3, 1876, and the instructions of your office of August 23, 1876.

Third. That the affidavit of Smock dated April 24, 1876, wherein he stated that five hundred dollars' worth of improvements had been made on the Del Norte lode by Embry and his grantors, and that he owned no interest in the property, was false, and the entry was therefore based upon fraudulent proof in so far as relates to the value of the improvements made on this lode.

Fourth. That the statement of the deputy surveyor contained in the field notes of survey, that five hundred dollars' worth of improvements had been made on the Del Norte lode by the claimant and his grantors, was untrue, although not intentionally so, as the deputy inadvertently included in his field notes the improvements which had been made by other parties under locations which had been abandoned.

Fifth. That neither the applicant nor his grantors had done any work or made any improvements on the Del Norte lode between the date of location and the date of entry thereof, and that the entry is therefore illegal.

On the trial of this case testimony was introduced to the effect that more than five hundred dollars' worth of work had been done on this lode some years ago when it was claimed by various parties under former locations, and was known as the Jones lode and Doubloon lode, which said locations had been abandoned long prior to the time the Del Norte location was made.

It was also shown that Smock had some years ago purchased an interest in the abandoned Jones lode, and it is sought to make the work done on the abandoned Jones location available as improvements made on the Del Norte lode in the disposition of this case.

With reference to this question it is only necessary to say that the Jones lode having been abandoned and the claim relocated under section 2324 of the Revised Statutes, all rights which had been acquired by the location and improvements of the Jones lode were lost by abandonment of that lode, and no person, no matter what his relations may have been to the old location, can now claim any benefits arising from improvements made on it prior to abandonment. The claim of the applicants is based upon the location of January 1, 1876, and as it is clearly shown that the law had not been complied with, and that the entry was allowed on false and fraudulent proofs, there is no error in your decision holding it for cancellation.

Your decision is affirmed, and the papers transmitted with your letter of April 12, 1870, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

IOWA MINING COMPANY *vs.* BONANZA MINING COMPANY.

1. The question whether an adverse claim has been prosecuted with reasonable diligence as required by section 2326, United States Revised Statutes, is for the determination of the court which has acquired jurisdiction.
2. If the defendant thinks suit is not prosecuted with reasonable diligence, he should move the court to dismiss the case for want of prosecution, and, if the motion is granted, cause the judgment to be certified to the General Land Office.

DEPARTMENT OF THE INTERIOR,
Washington, June 25, 1879.

SIR: I have considered the case of the Iowa Mining Company *vs.* The Bonanza Mining Company, involving certain mineral lands in the Virginia mining district, Carson City land district, Nevada, on appeal from your decision of October 11, 1878, adverse to the Iowa Company.

The facts of this case, as they are made to appear by the records, are as follows:

On January 11, 1876, the Bonanza Mining Company made application for patent for 593 linear feet on the Lucky Baldwin lode, together with 200 feet in width of surface ground, situated in the Virginia mining district, Storey County, Nevada, and gave

due notice thereof by publication and by posting a copy of the notice and plat on the claim in the manner prescribed by law.

On March 11, 1876, two adverse claims were filed against said application for patent; one by W. B. Murdock, and the other by the Iowa Mining Company. Suit was commenced by Murdock in the district court for the first judicial district of Nevada on March 11, 1876, but this action was voluntarily dismissed by the plaintiff on November 13, 1876, as shown by the certificate of the clerk of said court.

On April 7, 1876, the Iowa Mining Company commenced suit on its adverse claim in the same court by filing a complaint and causing a summons to be issued; and it is shown by a certificate of the clerk of said court dated May 24, 1878, that service had not been perfected on the defendant, and no further steps taken by the plaintiff in the prosecution of said suit.

On this state of facts you decided that the Iowa Company had waived its adverse claim by a failure to prosecute said suit with reasonable diligence, and that the Bonanza Company was entitled to a patent for the land on fully complying with the requirements of the mining law.

In this I think you erred.

Section 2326 of the Revised Statutes provides as follows:

"When an adverse claim is filed during the period of publication it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment, and a failure so to do shall be a waiver of his adverse claim."

Said section also provides for the filing of a certified copy of the judgment-roll, an entry of the land, and the issuance of patents in conformity with the decree of the court.

This statement provides in plain terms that a failure on the part of an adverse claimant to prosecute his suit to judgment with reasonable diligence, shall be a waiver of his claim, but it does not provide, either in terms or by necessary implication, that you shall decide what constitutes reasonable diligence while suit is pending in court.

There can be no question but that the State court of Nevada has acquired jurisdiction over this cause, and it is equally clear that the object of the law was to require parties claiming an adverse interest in land included in an application for patent to try the right of possession and have the controversy determined by the State courts before a patent was issued.

"Where a court has jurisdiction, it has a right to decide every question which occurs in the cause."—(*Elliott vs. Piersal*, 1 Peters, p. 340.)

The question of diligence in prosecution of a pending suit, is as much a question for the determination of the courts as any other question of law or fact which may arise in the progress of the case, and one which after the court has acquired jurisdiction shall be left for its determination.

I do not think it was the intention of Congress that you should decide what constitutes reasonable diligence in the prosecution of a suit pending in a court of competent jurisdiction, for such a proceeding would necessarily interfere with matters which the court above should determine.

Under such a practice a suit might occur in which you would hold that reasonable diligence had not been exercised, and issue a patent; while the court might hold otherwise, and give judgment for the adverse claimant, and the result would be a conflict of authority, and a confusion of titles, which would compel the successful parties to resort to further expensive litigation by bill in equity to procure title to the land which had been adjudged to belong to them by the courts.

I am of opinion that the proper practice in cases of this character is for the defendant, if in his opinion the suit is not prosecuted with reasonable diligence, to move the court to dismiss the case for want of prosecution, and if the motion is granted, cause the judgment to be certified to your office, when a patent can be issued without conflict with the jurisdiction of the courts, or the rights of the parties in interest.

Your decision is reversed for the reasons stated without prejudice to the rights of either party, and further proceeding will be stayed to await the result of said suit.

The papers transmitted with your letter of April 14, 1879, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

ENTRY AFTER FILING OF ADVERSE CLAIM.

1. After filing of adverse claim, it is in violation of law (Revised Statutes, section 2326) to allow entry to applicant because of failure of adverse claimant to file proof in district land office, that suit has been commenced.
2. If applicant desires to make entry at that stage of proceedings, it is his duty to file proof that suit has not been commenced within the legal period. After filing of adverse claim, the law is mandatory as to subsequent proceedings.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 19, 1878.

GENTLEMEN: The application of J. B. Hewitt for patent to the west half of north-west quarter section 10, 19 north, 4 east, M. D. M., as placer mining ground, was published from September 28 to November 30, 1877.

It appears that the adverse claim of George F. Halsey *et al.* was filed in your office within the legal publication, to wit, on November 23, 1877.

It also appears from the affidavit of Charles H. Leggett, deputy county clerk of Butte County, California, wherein said land is situated, that complaint was filed in the district court in and for said county, by said adverse claimants on the 24th day of December, 1877, or within thirty days from the filing of said adverse claim in your office, and that the defendant, J. B. Hewitt, appeared and filed demurrer on the 8th of January, 1878.

It further appears from the certificate of James Green, clerk of said court, dated July 2, 1878, that in case of George F. Halsey *et al.* *vs.* J. B. Hewitt, it being an adverse claim to mining ground, on the 4th of June, 1878, on motion of the attorney for plaintiffs, the cause was set down for trial for the 13th of June, 1878, on which last named day, on motion of attorney for defendant and filing of defendant's affidavit for continuance, the cause was continued for the term.

It seems that you allowed the entry of Hewitt January 12, 1878, because "no notice or other evidence showing that suit had been commenced in court by the adverse claimants had been filed in this (your) office."

Your action was erroneous and in violation of law. Section 2326 United States Revised Statutes, provides that upon filing of adverse claim and commencement of suit in the proper time, all proceedings shall be stayed except the publication of notice and making and filing the affidavit thereof.

Your action is based on failure of notice to you that suit had been commenced while entry should have been allowed, only on proof that suit had *not* been commenced.

It was the plaintiff's duty and interest to advise you by official proof that he had commenced suit, but it was the defendant's duty to prove that no suit had been commenced before making entry.

The commencement of suit is a compliance with the law which is mandatory as to subsequent proceedings in your office. The requirement that plaintiff shall notify you of commencement of suit is an office regulation, and failure to observe which, while it may result in inconvenience to a delinquent, cannot work a forfeiture of right, or justify this office in ignoring the law.

In this case it appears that four days prior to making the entry the defendant appeared in court and filed his demurrer, thus indicating that he designedly availed himself of an entry which the law at that time forbade.

The entry is hereby held for cancellation to await the adjudication of said court or other legal adjustment of the controversy.

Duly notify all parties in interest, allow sixty days for appeal, and promptly report action.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGISTER AND RECEIVER,
Marysville, Cal.

AMERICAN HILL QUARTZ MINE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 26, 1878.

GENTLEMEN: On the 16th of January, 1878, Peter Vancleif, Charles Heintzen, and John C. Young made entry at your office of the "American Hill Quartz mine," embracing lots 37, 38, and 39, in township 19 north, 11 east, M. D. M. (in the certificate and receipt erroneously described as 9 east), in the Sierra mining district, Sierra County, California. The said claim consists of a consolidation of three original loca-

tions, one of 1,200 feet, made by the American Hill Quartz Company July 26, 1856; one of 800 feet, by Darling & Co., October 12, 1857; and one of 500 feet, by Spangler *et al.*, made December 17, 1859. The claim applied for is 2,288.22 feet in length, by 250 feet in width, on each side the lode.

Of this mine Vancleif claims, as owner, of two-thirds, Heintzen one-sixth, and Young one-sixth.

Application for patent was filed in your office June 1, 1877. Publication was made in the Mountain Messenger, a weekly newspaper published at Downieville, Sierra County, California, commencing June 16, 1877, and ending August 18, 1877. Notice and plat were posted on *each* location, to wit: American Hill claim, Spangler claim, and Darling claim, May 23, 1877, and remained so posted to September 25, 1877. The register certifies to posting at his office from June 5, 1877, to January 26, 1878. No adverse claim was filed, and payment was made January 16, 1878, entry allowed, and patent certificate issued. On the 19th of January, 1878, the entry papers were transmitted to this office.

The area of said claim appears to be that allowed by the district mining laws and not in excess of that allowed by the laws of the United States. There are some matters in the claim which will require adjustment before a final disposition of the entry. Should it be decided legal in respect to the points now under consideration.

At present I shall only consider the merits of the pending controversy, which consists of the intervention and claim of Clarence Smith as relocater of the Darling and Spangler mines, to wit, lots 38 and 39, and of F. W. Clute, as relocater of the American Hill mine, lot 37. Said relocations were made April 28, 1878.

In behalf of said relocations it is alleged under oath that there was no labor performed or improvements made upon said claim on January 1, 1875, nor subsequent thereto until April 28, 1878, when said relocators entered upon said claims, explored the same, and ascertained that a lode, ledge, or vein of gold-bearing quartz deposited therein, whereupon they relocated and claimed the same, posted notices, and caused the same to be recorded in the office of the county recorder, and said relocators ask an order dismissing the application of Vancleif *et al.* for patent and such other orders and rulings herein as may be required and mentioned by the laws and regular tions in cases of this character. The questions that arise for immediate decision are, 1st. Is a mining claim subject to relocation subsequent to entry of the same, and, 2d. Does a failure to perform that labor or make the improvements required by section 2324 Revised Statutes of the United States, between date of entry and the delivery of patent, work a forfeiture of all rights acquired by entry and deemed cancellation of the same, when such failure is brought to the attention of this office by such relocation or otherwise?

On the first point, I quote from the decision of the Supreme Court of the United States in case of *Carroll vs. Safford* (3 Howard, 441), referred to by counsel for Vancleif *et al.*

"Now lands which have been sold by the United States can in no sense be called the property of the United States. They are no more the property of the United States than lands patented. So far as the right of the purchaser is concerned they are protected under the patent certificate as fully as under a patent. Suppose the officers of the government had sold a tract of land, received the purchase money, and issued a patent certificate; can it be contended that they could sell it again and convey a good title? They could no more do this than they could sell land a second time which had been previously patented. When sold the government, until the patent shall issue, holds the mere legal title for the land in trust for the purchaser, and any second purchaser would take the land charged with the trust."

In *Witherspoon vs. Duncan* (4 Wallace, 210) the Supreme Court say: "According to the well-known mode of proceeding at the land office (established for the mutual convenience of buyer and seller), if the party is entitled by law to enter the land the receiver gives him a certificate of entry, reciting the facts, by means of which, in due time, he receives a patent. The contract of purchase is complete when the certificate of entry is executed and delivered, and thereafter the land ceases to be a part of the public domain. The government agrees to make a proper conveyance as soon as it can, and in the mean time holds the naked legal fee in trust for the purchaser, who has the equitable title." Referring to donation and cash entry: "In either case when the entry is made and certificate given, the particular land is segregated from the mass of public lands and becomes private property. In the one case the entry is complete when the money is paid, and in the other when the required proofs are furnished. In neither case can the patent be withheld if the original entry was lawful."

In *Stark vs. Starrs* (6 Wallace, 402) the court say: "The right to a patent once vested is treated by the government when dealing with the public lands as equivalent to a patent issued. When, in fact, the patent does issue, it relates back to the inception of the right of the patentee, so far as it may be necessary to cut off intervening claimants."

In *Hutchings vs. Low* (15 Wallace, 77) the court say: "That under the pre-emp-

tion laws mere occupation and improvement of any portion of the public lands of the United States, with a view to pre-emption, do not confer upon the settler any rights in the land occupied, *as against the United States*, or impair in any respect the power of Congress to dispose of the land in any way it may deem proper; and that the power of regulation and disposition conferred upon Congress by the Constitution only ceases when all the preliminary acts prescribed by the laws for the acquisition of the title, including the payment of the price of the land, have been performed by the settler. When these prerequisites have been complied with, the settler for the first time acquires a vested interest in the premises occupied by him, of which he cannot be subsequently deprived."

The principle thus declared by the Supreme Court has uniformly been respected by the executive departments. Whenever an entry has been made in the district land office, no adverse claim can be initiated by a third party until the entry shall have been canceled in such office. This rule is enforced almost daily in the administration of this and the local land offices, and is too well established to admit of question. I find no authority in the mineral laws of the United States, direct or inferential, to a different intent on this point. Section 2324 Revised Statutes, so far as it declares mineral land subject to relocation on failure of the original locator or owner to make the specified annual expenditures, contemplates, in my opinion, only the period prior to entry. This section deals only with possessory titles. When entry has been made, purchase money paid, and a patent certificate issued, the purchaser has a higher title than that of mere rightful possession, and with that title this section cannot be reasonably construed to interfere. The land entered is withdrawn from the body of the public lands and all incidents thereto pertaining. The provisions subsequent to section 2324 preclude even the assertion of an adverse claim of prior inception after entry; and much less could a new claim be initiated. Such being the status of the land under the laws of the United States, it is obvious that a relocater after entry cannot derive authority from the laws of any State, Territory, or locality. I therefore conclude that there can be no valid relocation of a mineral claim subsequent to its entry in the local land office. On the second point, does a failure to perform the labor or make the improvements required by section 2324 Revised Statutes, between date of entry and delivery of patent, work a forfeiture of all rights acquired by entry, and demand cancellation of the same when such failure is brought to the attention of this office by such relocation or otherwise? I think not. The interveners in this case seem to rely upon the language of section 2324, where it requires certain annual expenditures on each claim "until a patent has been issued therefor."

For the purposes of this case the mining laws of the United States may be divided into two parts: 1st. That granting, on certain conditions, the right of use and possession; 2d. That providing for purchase and sale of the fee.

Section 2324 provides for the right of possession without purchase.

A mere possessory title is subject to be defeated on failure to make the specified annual expenditures by a location of another party. This is the scope of the provision; nothing else is named therein; nothing else is evidently contemplated.

The mining laws nowhere compel a party to purchase either the mine or the surface ground from the government. They give the right of exploration and occupation; perpetuity of possession, without purchase, is dependent upon a compliance with certain requirements and the failure by any qualified party to relocate during a period of legal abandonment. It is important to note that a mere failure to make the annual improvements does not of itself conclude the possessory right. A mere resumption of work prior to relocation, by the party in default, his heirs, assigns, or legal representatives prevents relocation. The law, while necessarily establishing a condition on which the possessory title shall be supported, and on failure of which the possession shall be liable to be defeated, evidently permits a sacrifice of interests and investments with extreme reluctance, and only inflicts a forfeiture when, after failure is complete, another party duly qualified initiates a legal claim during the period of actual abandonment.

The necessity for annual expenditures continues, *not* for a particular term of years; *not* for a period equal to that prescribed by the statutes of limitation of the State in which the mine is situated, but until the owner of the possession shall become the owner of the property. And it was this point of time which Congress sought to mark by the words of limitation employed.

In the execution of all prior laws relating to land patents, the date when a party who, having fulfilled the requirements of law, submitted his final proof thereof, paid the purchase money, and received his patent certificate, has with great uniformity been held by the Supreme Court of the United States to be when he acquired a vested right in the land of which he could not be divested except by the exercise of the right of eminent domain. (See case of *Hutchings vs. Low*, above quoted.) This point of time has been regarded as the date when the right of property left the government and rested in him.

The land, therefore, exempt from taxation and execution becomes at once thereafter

subject to all the incidents of a fee simple under the State laws. He could deal with it in all respects as his own. He might make final proof and pay for his pre-emption claim, and at once thereafter initiate a claim by entry under the homestead laws. He could sell or abandon it for any reason as soon as his entry was completed and the acts constituted no basis for official inquiry, because the right of property was in him and the United States *had no right* to control his use. He was the absolute equitable owner, and the necessary delay in the preparation and delivering of patent has never been held to abridge his rights or increase his duties. It is hardly to be presumed that Congress, having in mind this familiar doctrine, than which no other is perhaps better established or known, and having the evident interest of requiring an annual expenditure, to support an annual possession for that period only while the claim should be held by a possessory title, intended by an expression used unquestionably to mark the date of a change of ownership to impose the extraordinary condition which is substantially claimed by the interveners in this case. Had such been their intention, it is not unreasonable to believe they would have declared in terms that the annual expenditures could not be suspended upon entry and issue of patent certificate, but must be continued until actual delivery of the patent itself. It is my opinion that the language actually employed was used simply to emphasize the legislative intent that said expenditures could be dispensed with for *no* reason, even when the possession might otherwise be protected by the State statute of limitation, or by local rule or custom, except that of change of ownership, of which the patent certificate is legal evidence until delivery of patent itself at the convenience of the government.

I find additional reasons for this conclusion in section 2325 Revised Statutes, which, leaving the question of what will support a good possessory title, proceeds to declare the conditions on which the property can be purchased and patent obtained. Among the requirements an official survey accurately locating the claim, a notice of the application by publication and posting on the land and in the local office for sixty days, record proof of the possessory title and the certificate of the surveyor-general that the gross amount of \$500 has been expended in labor or improvement on the claims are necessary. The notice is in three different methods given to the world; it is sought to reach every one who by possibility may have adverse interests; and the adverse claimant, whatever his interests, is estopped if his claim is not filed within the specified period of publication, and patent issues to the applicant. The proof as to expenditures does not in terms or constructively refer to *annual* improvements; they are incident to the *possessory* title.

The value of the improvements placed upon the claim by the applicant or his grantor must be \$500. When, is not material. After publication, &c., if there has been no adverse claim presented, if the *record* shows that he has the possessory title, and he is then in actual possession, he may purchase the land, "and thereafter no objection from third parties to the issuance of a patent shall be heard except it be shown that the applicant has failed to comply with the terms of this chapter." As the condition of annual expenditures is included in the chapter, it is argued that a patent cannot legally issue if it be shown that such expenditures have not been made. I think this clause refers clearly to those conditions only which are essential to the right of *purchase*. To illustrate: A, either by location or purchase of possessory title, becomes the proprietor of a mine; he expends thereon in labor and improvements the sum of \$100,000; he then fails to make any expenditures whatever upon it for the term of three years; but before any other party relocates it, he resumes work and immediately applies for a patent. Under those circumstances he is clearly entitled to enter and receive patent. The mine cannot be relocated, because he has resumed work; he has made the required expenditure of \$500; for the reasons indicated in the first part of this decision the mine cannot be relocated *after* entry; no proof of having kept up the annual expenditures was a condition of entry; much less, then, can it be held to be a condition to be performed after entry, and the "terms" of the chapter relating to annual expenditures refers solely to the possessory title, which has *legally* been merged into the right of property, of which the Supreme Court say, in case of *Hutchings vs. Low*, before quoted, Congress itself has no power to dispossess him.

I can conceive of no reason derived from considerations of public policy or justice why, after entry, when even those who may have valuable interests are excluded, another party, who for the first time sees the mine, should be permitted to defeat the entry with all its established equities. Vested rights cannot be annihilated on doubtful constructions of laws; and whatever power Congress may have had to make annual expenditures prior to entry a condition of entry, or annual expenditures after entry a condition of patent, it is clear to me that it did not do so, and that, as above stated, the terms of the chapter with which compliance must be shown in order to support an entry were such, and such only, as related to the conditions of *purchase*, and not those which were merely conditions of possession, without purchase. This construction of law, it will be seen, in no manner invites or excuses negligence in the matter of developing the mine to the extent of the expenditures named in the law. The owner of the possessory title neglects his labor and improvements at his own risk so

long as such title exists alone; but so startling a proposition as that Congress intended to sacrifice, to the benefit of parties having no interests or equities whatever, the vast values and improvements often existing in mining property, solely because of a failure, *after purchase and possession* are completed and perfected, to perform an act of improvement which is *not* a condition of purchase, but refers only to the possession without purchase, I cannot believe, nor can I perceive that the language of the statute warrants such a conclusion.

I conclude that the attempted relocations by Clarence Smith and F. W. Clute were illegal and void, and that their application for recognition be dismissed. The entry of Vancief *et al.* will be examined in its order and disposed of on its merits.

Give due notice hereof to all parties in interest, allow sixty days for appeal, and on the expiration of that period make report to this office.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

REGISTER AND RECEIVER,
Sacramento, Cal.

AMERICAN HILL QUARTZ MINE.

1. The possessory right provided by section 2324 Revised Statutes may continue for an indefinite term of years, and can only be terminated by a failure of claimant to comply with the statute and an assertion of claim by another. There is nothing in the law which requires the party in possession to purchase the land from the government.
 2. The validity of an entry is made to depend upon the facts existing at the time it is made, and not upon anything which the claimant may do, or omit to do, afterwards.
- An entry made is in all respects equivalent to a patent issued, in so far as third parties are concerned, and within the meaning and intent of section 2324 Revised Statutes.
- After entry the claim is not subject to relocation for abandonment or failure to make annual expenditures.

DEPARTMENT OF THE INTERIOR,
Washington, March 4, 1879.

SIR: I have considered the case of Clarence Smith and F. W. Clute *vs.* Peter Vancief, Charles Heintzen, and John C. Young, involving the right to lots 37, 38, and 39, township 19 north, range 11 east, M. D. M., Sierra mining district, Sacramento land district, California.

The facts relative to this case are as follows: On June 1, 1877, Vancief, Heintzen, and Young made application for patent for the American Hill Quartz Mine, situated in township 19 north, range 11 east, M. D. M. (in the certificate and receipt erroneously described as range 9 east), and described by the official survey thereof, made by Deputy Surveyor Charles W. Hendel in November, 1876, as lots 37, 38, and 39, containing 2,288.22 feet in length by 250 feet in width on each side of the lode. No adverse claim was filed during the period of publication, and an entry was allowed and patent certificate issued in the name of said parties on January 16, 1878. After said entry was made, viz, on April 28, 1878, Clarence Smith claims to have relocated lots 38 and 39, and F. W. Clute claims to have relocated lot 37, pursuant to the provisions of section 2324 of the Revised Statutes of the United States; and it is alleged on behalf of said relocators that no labor was performed or improvements made on said claims by Vancief *et al.* on January 1, 1875, nor at any time subsequent thereto until April 28, 1878, when said relocators entered thereon and ascertained that a lode, ledge, or vein of gold-bearing quartz existed therein, whereupon they relocated and claimed the same, and gave notice of their said relocation and claim in the manner required by law. Said relocators, therefore, ask to have the application for patent of Vancief *et al.* dismissed, and for such other and further relief as the circumstances of the case demand.

By your decision of September 26, 1878, the relocations of Smith and Clute were adjudged to be illegal and void, and their applications for recognition were dismissed.

In this decision you confined the scope of your inquiry to the consideration of the legal rights of Smith and Clute as relocators, and did not pass upon the merits or regularity of the entry of Vancief *et al.*, but left all questions relating to the regularity of said entry for examination and adjustment when the entry was reached and examined on its merits in its regular order.

In this there was no error.

Messrs. Smith and Clute have attempted to relocate a mining claim which has been entered and paid for, with full knowledge of the existence of the entry, and the theory of their case is, that they have a legal right to relocate a claim at any time prior to the issuance of patent, or failure of the parties making the entry to perform the necessary labor and make the necessary improvements thereon.

If the theory of the relocators is correct on this point, they have a standing as parties in interest for the purposes of this case, and it is not material whether the entry of Vancief *et al.* was regular or irregular; but in so far as they seek to attack

the regularity of the entry, and to contest matters arising prior to the time it was made, their *status* is that of protestants only, and they could have no right of appeal from your decision in any event.

As it would be bad practice for this department to take original jurisdiction over matters not involved in your decision, and not subject to appeal if they were involved, the questions relating to the regularity of the entry made by Vanclef *et al.* will not be considered.

That part of the statute under which the relocators claim, which is material to the consideration of this case, is in the following words, viz :

"SEC. 2324. * * * On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but when such claims are held in common, such expenditure may be made upon any one claim, and upon a failure to comply with these conditions the claim or mine upon which such failure occurred shall be open to relocation in the manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location." * * *

By act approved June 6, 1874 (18 Stat., 61), the time within which the first annual expenditure is required to be made on claims located prior to May 10, 1872, was extended to January 1, 1875.

This case, therefore, presents the naked question of law whether or not after a mining claim has been entered and paid for it is subject to relocation by strangers between the date of entry and the date on which a patent is issued, in the event that the persons making the entry fail to perform the labor or to make the improvements required by section 2324 of the Revised Statutes of the United States. It has already been stated that this inquiry would be confined to events occurring subsequently to the date of the entry of Vanclef *et al.*

The proofs presented by Messrs. Smith and Clute show that no work was performed or improvements made by Vanclef *et al.* between January 16, 1878, the date of entry, and April 28, 1878, the date of the alleged relocation.

Admitting, for the purposes of the argument, that a mine can be relocated after entry, it is manifest that such relocation can only be made after forfeiture; and as no forfeiture can take place until one year after entry, it is clear that the proofs presented in this case are insufficient and the relocation premature. On their own construction of the law Messrs. Smith and Clute could have acquired no right to relocate this mine prior to January 17, 1879, and then only in the event that Vanclef *et al.* should fail to improve it during the year subsequent to entry.

The consideration of this case might well be closed at this point, but as I think the interests of the government and those of mining claimants demand that the legal question should be disposed of in so far as lies within the power of this department to do so, I deem it proper to proceed with the consideration of the question.

At the outset it is proper to remark that by the mining laws of the United States three distinct classes of titles are created, viz :

1. Title in fee simple.
2. Title by possession.
3. The complete equitable title.

The first vests in the grantee of the government an indefeasible title, while the second vests a title in the nature of an easement only. The first being an absolute grant by purchase and patent without condition is not defeasible, while the second, being a mere right of possession and enjoyment of profits without purchase and upon condition, may be defeated at any time by the failure of the party in possession to comply with the condition, viz, to perform the labor or make the annual improvements required by the statute.

The equitable title accrues immediately upon purchase, for the entry entitles the purchaser to a patent, and the right to a patent once vested is equivalent to a patent issued. (*Stark vs. Starrs*, 6 Wall., 418.)

Section 2324 Revised Statutes has reference solely to titles by right of possession, and does not in any way conflict with titles acquired by purchase, for in the latter case both must be in one and the same person. A title by right of possession is the lowest grade of title known to the mining laws; the next is the equitable title which accrues upon purchase and entry; while the third and final grade is the fee simple, which is acquired by patent evidencing the legal title, and merging therein both the possessory and equitable titles.

Where lands are acquired under the pre-emption laws, it sometimes occurs that the legal title may be in one person and a superior equity in another; but this cannot occur under the operation of the mining laws, for all legal and equitable adverse titles

and claims must be presented to and passed upon by the courts prior to the issuance of patent, or be considered as stale and abandoned.

This question was expressly decided by Mr. Justice Field in the case of the Eureka Mining Company *vs.* Richmond Mining Company (4 Sawyer C. C. Reports, 318).

The possessory right provided for by section 2324 Revised Statutes may continue for an indefinite term of years, and can only be terminated by a failure of the claimant to comply with the terms of the statute and an assertion of claim to the land by another; but there is nothing in the law which requires a party in possession to purchase the land from the government, and if he complies with the law relating to possessory rights, his title for all practical purposes is as good as though it were secured by patent.

Section 2324 provides in terms that a possessory claim be relocated at any time prior to the issuance of patent if the necessary labor or improvements shall be neglected for one year, but "a person ought not to think, if he have the letter on his side, that he hath the law in all cases" (Plowden). "No statute shall be interpreted so as to be inconvenient or against reason" (Cawdrie's case, 5 Rep.). "The words of a statute ought not to be expounded to destroy natural justice" (Story, p. 81).

The purpose of this requirement of the law was to obviate an abuse which had assumed formidable proportions in the mining regions. In the early history of mining operations in this country it was the universal practice of miners to assemble together and make laws for the government of the mining district where they resided. These laws were generally very liberal in the matter of possessory rights and titles, and great areas of land were covered by duly-recorded mining claims upon which no work had been done or improvements made for a long series of years.

Under the rulings of the local courts, these claims operated as a cloud upon the title to the land, and retarded the progress and development of the mining industries of the country. In order, therefore, to put an end to this abuse and encourage the purchase of the lands from the government and the consequent establishment of permanent industries, Congress wisely provided that possessory rights should exist only so long as the specified amount of work was annually performed.

The object of the law being to encourage the purchase of mineral lands, it would be manifestly improper for this department to so construe the law as to destroy the purpose which Congress had in view in enacting it.

The mining laws require certain acts, in the nature of conditions precedent, to be performed before an entry is made, and the validity of the entry is made to depend upon the facts existing at the time it is made and not upon anything which the claimant may do or omit to do afterwards.

These precedent requirements are specifically set out in section 2325 Revised Statutes, and it is made your duty in the regular order of business to see that they have been complied with, and thereupon to issue a patent for the mine in accordance with the calls of the location and entry; yet it seldom occurs, owing to the great number of mining entries allowed and the gravity of the questions involved, that an entry can be examined and patented until months, and sometimes years, after it is made. The law does not fix any period of time on which a patent *shall issue*, and indeed it would be impossible for this to be done; yet if the position of the relocators is correct, the vested rights of the purchaser may be destroyed and his valuable improvements taken by a stranger on account of official delay in the issuance of the patent for which he is in nowise responsible.

Such a construction would, in my opinion, be repugnant to the intent of the statute.

The true rule of law governing entries of the public lands, to which mineral lands form no exception, is that, when the contract of purchase is completed by the payment of the purchase money and the issuance of the patent certificate by the authorized agents of the government, the purchaser at once acquires a vested interest in the land, of which he cannot be subsequently deprived if he has complied with the requirements of the law prior to entry, and the land thereupon ceases to be a part of the public domain, and is no longer subject to the operation of the laws governing the disposition of the public lands. In such cases there is a part performance of a contract of sale which entitles the purchaser to a specific performance of the whole contract without further action on his part. When the proofs are made, and the purchase money paid, the equitable title of the purchaser is complete, and the patent when issued is evidence of the regularity of the previous acts, and relates to the date of the entry, to the exclusion of all intervening claims.

In short, an entry made is in all respects equivalent to a patent issued in so far as third parties are concerned.

In support of these views I cite the following adjudicated cases: *Carroll vs. Sanford* (3 Howard, 441); *Landes vs. Brant* (10 Howard, 348); *Lessees of French et al. vs. Spencer et al.* (21 Howard, 240); *Witherspoon vs. Duncan* (4 Wallace, 210); *Stark vs. Starrs* (6 Wallace, 418); *Whitney vs. Frishie* (9 Wallace, 187); *Irvine vs. Irvine* (9 Wallace, 617); *Barney vs. Doepl* (October term, 1878, U. S. Supreme Court); *Cruise on Real Property*, vol. 5, pp. 510, 511.

As the doctrine is firmly established that where several concurrent acts are necessary to make a conveyance the original act shall be preferred and all subsequent acts shall have relation to it, it is held that an entry made is equivalent to a patent issued, within the meaning and intent of section 2324 of the Revised Statutes. The attempted relocation of the tract in question by Messrs. Smith and Clute was void at its inception, and was properly rejected.

Your decision is affirmed for the reason stated, and the papers transmitted with your letter of the 3d ultimo are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

NEW IDRIA MINING CLAIM.

1. The lands upon which this claim was located never were within the limits described in the petition of Gomez for the Panoche Grande Rancho, and had said rancho been confirmed, it could never have been located so as to include said mines.
2. There is no proof showing the date of posting notice of application for patent and diagram on the mine.
3. Defect in proof of citizenship was cured by act of May 10, 1872 (sec. 2321 Revised Statutes).
4. The local mining rules allowed an association or a person to hold 160 acres of silver or quicksilver ground. The association of three persons, who located this mine, took an area which, in the aggregate, equaled 160 acres to each. Their location is voidable at least as to the excess over 160 acres.
5. The application for a reconsideration of the decision of August 4, 1871, and issuance of patent to the New Idria Mining Company refused and entry canceled.

DEPARTMENT OF THE INTERIOR,
Washington, July 26, 1879.

SIR: I have considered the application of the New Idria Mining Company of California for a reconsideration of departmental decision of August 4, 1871, rejecting the application of said company for a patent of 480 acres of mineral land situate in Fresno County, in the State of California.

The application for patent was rejected for the following reasons:

"First. Some of the necessary steps in the case were taken in direct violation of the words of the proper office of the Interior Department.

"Second. The evidence is defective, in not showing that the proper notice and diagram were posted upon the premises, and in not identifying the claim alleged in the petition or advertisement.

"There is not sufficient proof of the citizenship of the claimants, and the amount of land claimed exceeds that authorized by law."

The application for this review was filed in this department December 15, 1871, and was rejected by departmental decision of April 27, 1872. On June 15, 1872, however, my predecessor, Hon. C. Delano, revoked the departmental decision of April 27, 1872, and directed that the application should stand for consideration as if said decision had not been made.

The petition of said company for review requests an opportunity to be heard on the objections raised to the application for patent in the decision of August 4, 1871, and also to furnish testimony in support of the citizenship of its stockholders and officers.

No proceedings have been taken in the case since the order of my predecessor of June 15, 1872, above mentioned, looking to final action on the petition for review until the present time, owing to the fact that the right of said company to a patent for the tract claimed has been questioned both in Congress and in the courts by William McGarrahan, who alleged that said mines were situate within the limits of the Rancho Panoche Grande, owned by him.

It having been finally determined by the Supreme Court of the United States (see *United States vs. Gomez*, 23 Howard, 326; *United States vs. Gomez*, 1 Wallace, 698; *United States vs. Gomez*, 3 Wallace, 752; *United States vs. Gomez*, 9 Wallace, 298, and *McGarrahan vs. Mining Company*, 6 Otto, 316) that the Panoche Grande claim was fraudulent and invalid, and that Mr. McGarrahan had no right to any land thereunder, and no action having been taken by Congress looking to a further suspension of the proceedings in this case, I think the application should now be taken up and the question involved decided. Parties who bring their cases before this department have a right to have them acted upon and determined within a reasonable time. The first objection to the application was that "some of the necessary steps in the case were taken in direct violation of the orders of the proper officers of the Interior Department." This objection refers to the action taken by the surveyor-general of California and the register and receiver of the United States land office at San Francisco in causing a survey to be made of the tract claimed by the New Idria Company, and in receiving the application to purchase the same, and publishing the notices required by the act of July 26, 1866. (14 Stat., p. 251.)

Your office, by letters of April 18 and May 23, 1867, and February 1 and August 18, 1868, instructed the surveyor-general of California and the register and receiver in whose land district the Rancho Panoche Grande and New Idria mines were supposed to be, not to receive any applications for mineral claims within the boundaries of said rancho.

Notwithstanding these instructions, the surveyor-general caused the mine to be surveyed and the register and receiver of the San Francisco land district received the application of said company to purchase the tract described in the survey, published a notice of the facts that such application had been made, and at the expiration of said publication allowed the entry and received payment therefor.

This action, in view of the instructions received and the proceedings pending in Congress, was very improper, and should have been visited with such punishment as the department at that time had the power to inflict.

Upon such application being made said officers should have submitted it to the department, giving their reasons, if any they had, why the same, notwithstanding the instructions received, should be allowed; and if, as it subsequently was made to appear, the mine or the tract included within the application was not within the boundaries of the Panoche Grande Rancho, that fact should have been explained. As above stated, I think it is clear beyond a reasonable doubt that said mineral claim is not within the boundaries of the Panoche Grande Rancho, as described in the petition of Gomez to the Mexican governor for the grant, nor in the decree of the district court which was subsequently set aside.

In Gomez's petition he says: "I pray your excellency to be pleased to concede me in property the place known by the name of Panoche Grande, bounded on the *north* by Don Julian Ursula, on the *south* by the Serrania (mountain range), on the *east* by the Valle de los Tulares, and on the *west* by Don Francisco Arias, which tract contains three square leagues, a little more or less, as shown by the map, which in due time I will present more correctly drawn than the one now presented."

In the decree of the district court confirming said claim it is described as follows: "The tract of land situated in the county of Fresno, State of California, known by the name of Panoche Grande, bounded *northerly* by the land of Don Julian Ursula, *southerly* by the hills, *easterly* by the valley of the Tulares, and *westerly* by the lands of Don Francisco Arias, containing four square leagues of land, and no more; provided, that that quantity is contained within the boundaries aforesaid; and provided also, that if a less quantity is contained within the boundaries aforesaid, that confirmation of such less quantity is hereby made to said claimant; and for a more particular description of which said lands reference is hereby made to the map contained in the transcript of the case."

It will thus be seen that the boundaries of the rancho mentioned in the petition and in the decree of the court are the same, and if the grant had been finally confirmed it must have been located within the limits therein described.

The southern boundary of the lands of Don Julian Ursula, known as the "Panoche de San Juan y los Carrisolitos," formed the northern boundary of the Panoche Grande rancho, according to the calls of the petition and decree. That rancho having been confirmed was located and surveyed, and a patent therefor issued July 30, 1867.

The western boundary of the Panoche Grande rancho was the lands of Francisco Arias, called "Rial de los Aguilas." This rancho was located and surveyed, and a patent issued therefor September 23, 1869.

Two of the boundaries, therefore, of the Panoche Grande rancho, had such rancho ever existed, were definitely fixed by adjoining ranchos.

The southern boundary of said Panoche Grande rancho was the mountains or hills. This boundary could not have been fixed further south than the chain of mountains forming the southerly boundary of the Panoche Valley, which are more than fifteen miles south of the northerly boundary of the Panoche Grande on a true line.

The rancho Panoche de San Juan y los Carrisolitos is located in townships 11, 12, and 13 south, ranges 9 and 10 east M. D. M.

The rancho Rial de los Aguilas is located in townships 13 and 14 south, ranges 7, 8, and 9 east.

The southern boundary of the Panoche Valley is in townships 15 and 16 south.

The southern boundary of said Panoche Grande, therefore, if it had been located according to the calls of the petition and decree, must have been at least ten miles north of the New Idria mine, as located, said mine being located partly in township 17 south and partly in the northern part of township 18 south, range 12 east. As a matter of fact, therefore, neither of said officers, while they may be said to have committed an unwarrantable presumption in giving construction to said orders, can be properly said to have disobeyed the orders issued to them. It is true that a survey of said rancho was made under the instructions of the surveyor-general of California in accordance with the provisions of the act of Congress approved June 2, 1862 (12 Stat., 410). In said act it is provided: "But nothing in the law requiring the executive officers to survey land claimed or granted under any laws of the United States shall be

construed either to authorize such officers to pass upon the validity of the title granted by or under such laws, or to give any greater effect to the surveys made by them than to make such surveys *prima facie* evidence of the true location of the land claimed or granted."

This survey, therefore, simply gave, if all other provisions of law in relation to surveys had been complied with, a *prima facie* location to the grant, if one had ever existed. The *prima facie* location, however, would be overturned by the fixed boundaries of the grant as described in the petition and decree, and said survey having located the rancho a long distance from where it could have been located according to the calls of said petition and decree, it has no force or effect.

The supreme court of the State of California in the case of *McGarrahan vs. Maxwell et al.* (28 California, 75), decided that said survey of the Panoche Grande rancho, not having been published as required by the act of 1860, was not *prima facie* evidence of the true location of said grant.

No appeal was taken from said decision by Mr. McGarrahan.

I must, therefore, conclude that the lands upon which said mineral claim is located never were within the limits described in the petition of Gomez for the Panoche Grande rancho, and had said rancho been confirmed it could never have been located so as to include said mines.

The testimony submitted to remove the second objection of the decision of August 4, 1871, in so far as it relates to the posting of a notice and diagram upon the mine, is still defective in not showing the date on which said notice and diagram were posted on the mine and the date on which it ceased to remain so posted.

The third section of the act of July 26, 1866 (14 Stat., 251), provides "That upon the filing of the diagram, as provided in the second section of this act, and posting the same in a conspicuous place on the claim together with the notice of intention to apply for a patent, the register of the land office shall publish a notice of the same in a newspaper published nearest to the location of said claim, and shall also post such notice in his office for the period of ninety days; and after the expiration of such period, if no adverse claim shall have been filed, it shall be the duty of the surveyor-general, upon application of the party, to survey the premises and make a plat thereof, indorsed with his approval, designating the number and description of the location, the value of the labor and improvements, and the character of the vein exposed; and upon the payment to the proper officers of five dollars per acre, together with the cost of such survey, plat, and notice, and giving satisfactory evidence that said diagram and notice have been posted on the claim during said period of ninety days, the register of the land office shall transmit to the General Land Office said plat, survey, and description, and a patent shall issue for the same thereupon.

Whether the notice and diagram were posted upon said claim during the time of the publication in the newspaper or not is not shown by the affidavits filed.

In relation to the last clause of the second objection, it is shown that at the same time that the New Idria Company applied for a patent for the New Idria mine it also applied or gave notice that it would apply for patents for mines called the Victorina and the Morning Star. The three notices published had reference to three distinct and separate mines. The New Idria mine embraces within its limits two mines located prior to its location, viz, the San Carlos and the Molina. At the time the application was filed, however, the San Carlos and the Molina had been purchased by the New Idria Company, and their location merged in the location of said mine, all three being consolidated as one.

Some misunderstanding seems to have existed at the time the departmental decision above mentioned was made as to these different mines, viz, whether the Morning Star and the San Carlos were one and the same, or the Victorina and the Molina were the same. This has been satisfactorily explained and all doubt upon the question removed.

The objections contained in the last clause of the decision of August, 1871, relate to the proof of citizenship of the claimants and the amount of land included in the application. These propositions will be considered separately.

At the time said application was filed the company presented proof showing that it was incorporated on the 25th July, 1858, under the general laws of the State of California, with a capital stock of \$23,000, divided into 115 shares among eleven shareholders. This was considered sufficient proof of citizenship, and proof was required of the citizenship of each of the shareholders.

By the seventh section of the act of May 10, 1872 (17 Stat., 91), it is provided that "proof of citizenship under this act or of the acts of July twenty-sixth, eighteen hundred and sixty-six, and July ninth, eighteen hundred and seventy, in the case of an individual, may consist of his own affidavit thereof, and in case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge, or upon information and belief, and in case of a corporation organized under the laws of the United States, or of any State or Territory of the United States, by the filing of a certified copy of their charter or certificate of incorporation." (See section 2321 of the Revised Statutes.)

The rule of evidence as to citizenship described in this act has been established since the decision above referred to was made, and in my opinion cures the defect therein mentioned.

The application for patent in this case is for 480 acres of mineral land.

The location upon which this application is based was made by H. F. Pitt, P. Collins, and H. G. Balenger, December 13, 1854, and embraced 660 acres of land, including the San Carlos and Molina mines, the latter named mine having been purchased in by the applicant.

The location of the New Idria mine by the parties above mentioned was made in supposed conformity with the rules and regulations of the San Carlos district, adopted December 4, 1854, which authorized a person or an association of persons to enter 160 acres of land bearing silver or quicksilver ore.

Section 2 of the act of July 26, 1866, reads as follows:

"And be it further enacted, That whenever any person or association of persons claim a vein or lode of quartz, or other rock in place bearing gold, silver, cinnabar, or copper, having previously occupied and improved the same according to the local customs or rules of miners in the district where the same is situated, and having expended in actual labor and improvements thereon an amount of not less than one thousand dollars, and in regard to whose possession there is no controversy or opposing claim, it shall and may be lawful for said claimant or association of claimants to file in the local land office a diagram of the same so extended laterally, or otherwise, as to conform to the local laws, customs, and rules of miners, and to enter such tract and receive a patent therefor, granting such mine, together with the right to follow such vein or lode with its dips, angles, and variations to any depth, although it may enter the land adjoining, which land adjoining shall be sold subject to this condition."

In the departmental decision above referred to it was held in effect, under the advice of Assistant Attorney-General Smith, that the quantity of land which may be entered on locations made prior to the passage of the act of 1866 was limited by the last proviso of the fourteenth section of said act, which reads as follows:

"And provided further, That no person may make more than one location on the same lode, and not more than three thousand feet shall be taken in any one claim by any association of persons."

This, I think, was an erroneous construction of the law. In my opinion by the second section of the act of July, 1866, the claims theretofore located if, in accordance with the local mining laws and regulations were authorized to be entered, although they might include a greater quantity than three thousand feet on a lode.

The condition of things which existed in the mining district prior to the passage of any act of Congress on the subject must be taken into consideration in construing this law.

Throughout the whole mineral region adventurous persons had explored for mineral wealth; in some instances they had located valuable mines, and in order to protect those miners and their rights, they had adopted laws, rules, and regulations which were enforced by the miners with great rigor. In this condition of things the act of 1866 was passed, and the language used, in my opinion, fully justifies the conclusion that Congress intended that the locations made under the circumstances above mentioned should stand if they conformed to the rules and regulation of the particular mining district in which the mine was situated.

This view of the law is confirmed by the provisions of the act of May 10, 1872. (17 Stat., p. 91.)

The question therefore arises, was this location in accordance with the rules and regulations of the San Carlos mining district in which the mine is situated? As above stated, the regulations of that district authorized a person or an association of persons to hold 160 acres of land bearing silver or quicksilver ore. The locators of this mine, Pitts, Collins, and Balenger, seem to have thought that they could take, under their local rules, a tract of land which would include as much in the aggregate as they could take separately, viz, 160 acres for each, or 480 acres in the aggregate; and in pursuance of such understanding made a location embracing 660 acres.

This location was subsequently cut down to 480 acres when a survey thereof was made (the first survey thereof erroneously including 494.99 acres.)

The act of 1853 did not legalize locations not made in accordance with the local rules and regulations, nor did it authorize an entry of a tract included within such unauthorized location. Under the local rules and regulations Pitt, Collins, and Balenger, as an association of persons, had the right to locate a tract of land, including 160 acres, that bore the kind of ore mentioned in their local laws; they had no right to locate any greater quantity. Their location, therefore, is voidable at least as to the excess included therein.

The New Idria Company could acquire from them no greater rights than they possessed by virtue of their location, and by its purchase, therefore, did not acquire the right to have or take a patent for more than 160 acres of land.

I must therefore agree with the departmental decision of 1871 in holding that a

larger quantity of land is embraced in this application than was contemplated or authorized by law.

The application for a reconsideration of departmental decision of August 4, 1871, and the issuance of patent to said company for the tract claimed, is denied for the reasons stated, and the papers filed therewith are herewith transmitted.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

CAMP BIRD MINING CLAIM.

1. Where mining claims intersect, the rights of the respective owners depend upon the actual intersection of the veins and priority of location, matters which are within the peculiar province of the courts to determine; but when there is reason to believe that a contest may arise in future, the rights of neither party should be prejudiced prior to judicial determination by the insertion of unnecessary *habendum* or *reddendum* clauses in the patent.
2. Form of reservation to be inserted in the *habendum* clause where surface ground is not claimed by applicants for patent.
3. Where parties fail to file adverse claim within the legal period they cannot be recognized as parties in interest and are not entitled to the right of appeal.

DEPARTMENT OF THE INTERIOR,
Washington, July 21, 1879.

SIR: I have considered the application of Patrick Gallagher and Charles Gallagher for patent for the Camp Bird Mining Claim, entry No. 130 of survey No. 237, in the California mining district, Fairplay land district, Colorado.

The facts of this case are as follows, viz: A survey of said mining claim was completed by Deputy Surveyor W. H. Bradt on June 9, 1877, and approved by the surveyor general of Colorado on July 21, 1877. By said survey the Camp Bird claim is represented as a parallelogram, 1,500 feet in length by 300 feet in width, and the amount of land contained within the boundaries thereof is represented as 10,277 acres. The survey of this lode crosses the "Adlaide Lode" at nearly right angles, and the amount of surface ground contained within the Adlaide claim at the point of intersection is 2,972 acres.

The preliminary proceeding for patent appears to have been in strict conformity with the requirements of the mining law, and no adverse claim was filed or suit commenced during the period of publication.

On November 19, 1877, said applicants made entry of 7,305 acres of surface ground of said mining claim, being the exact amount of land contained within the survey thereof after deducting the surface ground contained in the Adlaide claim at the point of intersection, viz, 2,972 acres.

In the published notice of said application for patent the amount of land applied for is stated as being 7,305 acres.

On August 12, 1878, counsel for the Adlaide Consolidated Silver Mining and Smelting Company filed in your office the protest of H. D. Cooke, president, and John R. Magruder, superintendent of the Adlaide Company, in which it was alleged that the description of the Camp Bird claim, as shown by the official survey, was not sufficiently specific for the protection of the interests of said Adlaide Company, and that it was quite possible that the Camp Bird Company intended to take the land at the point of intersection of the two claims. Said protestants also stated that important testimony had been prepared, impeaching the regularity and good faith of the Camp Bird application, and asked that a clause be inserted in the patent issued on the Camp Bird claim excepting and excluding the area in conflict with the Adlaide claim.

On October 18, 1878, counsel for applicants for patent addressed a letter to your office, in which they stated, "Our survey, application, and entry all exclude the surface ground in conflict with the Adlaide, and that such surface conflict may, in the usual terms, be excepted from our patent. No unusual clauses of reservation are therefore necessary, nor will they be excepted by us; and the right to ore at point of intersecting lodes must necessarily, under the statute, be left to judicial determination (in event of future dispute) upon point of priority."

On November 21, 1878, counsel for the Adlaide Company submitted certain affidavits wherein it was alleged that during the period of publication the owners of the Adlaide claim were assured by the owners of the Camp Bird claim, and by their attorney, that the Camp Bird claim was not intended to interfere with the Adlaide claim, nor appropriate any part of the same, and that the priority of location of the Adlaide claim was admitted.

On this state of facts you decided to approve the Camp Bird application and to issue a patent thereon, containing the following clause, viz: "That the grant hereby made is restricted to the land hereinbefore described, which lies outside of the area of the intersection of the Camp Bird survey with the surface ground of the Adlaide lode

there being excepted and excluded from this conveyance all surface ground contained in the Adlaide location, as shown by the foregoing description, together with all veins, lodes, and ledges lying and being therein to which the said Adlaide mining claim is entitled by reason of its said location."

You also decided that the Adlaide owners had been admitted to the record as parties in interest, and were entitled to the right of appeal from your decision. Both parties have appealed from your decision, and have filed elaborate arguments in support of their objections.

Section 2322 of the Revised Statutes defines the possessory rights of locators of mining claims to be as follows, viz:

"The locators of all mining locations heretofore made, or which shall hereafter be made, on any mineral vein, lode, or ledge situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, Territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward, as above described, through the end lines of their location so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges; and nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter the surface of a claim owned or possessed by another."

The language of this section is clear and specific in defining the rights of possession which the locators of a mining claim are entitled to enjoy, and I find nothing in the law which can be construed as limiting the right of a patentee to the enjoyment of less rights and privileges than he could lawfully claim prior to the issuance of a patent.

The only law relating to cross lodes is found in section 2336 of the Revised Statutes, and is in these words, viz:

"When two or more veins intersect or cross each other priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purpose of the convenient working of the mine. And where two or more veins unite the oldest or prior location shall take the vein below the point of union, including all the space of intersection."

Under this statute the rights of the parties are made to depend upon the fact of actual intersection of the vein and priority of location, matters which it is the peculiar province of the judicial tribunals to determine; yet, in cases where mining locations cross each other, and there is reason to believe that a contest may arise in future, the rights of neither of the parties in interest should be prejudiced prior to a judicial determination thereof by the insertion of unnecessary *habendum* or *reddendum* clauses in the patent.

In this case the Camp Bird Company has not entered and is not asking for a patent for the surface ground embraced in the Adlaide claim at the point of intersection of the two claims, yet its vein may extend through the ground belonging to the Adlaide and still not intersect with the Adlaide vein. In that event, the right of the Camp Bird owners to pursue said vein through the ground of the Adlaide at the point of intersection of the two claims is vested by law, and ought not to be limited by the patent; while on the other hand the right of the owners of the Adlaide to pursue their vein is equally well protected by the statute, and should not be prejudiced by the grant of the Camp Bird Company.

Under the circumstances of this case, the only way by which the interests of both parties can be fully protected is by making the excepting clause in favor of the Adlaide Company as broad as the granting clause to the Camp Bird Company; for, by so doing, both will receive all that the law gives them, and neither will have any legal advantage.

It is a familiar principle of law that a reservation in a *reddendum* clause in a deed by a grantor, to be valid, must be made to one of the grantors and not to a stranger to the deed (2 Bl. Com., 299; Co. Litt., 47; Fouchs, 80; Cruise, Dig., tit. 32, c. 24, s. 1), and I am therefore of opinion that the exception should be contained in the *habendum* clause.

The following form will in my opinion fully protect the interests of both parties, viz: "Have given and granted, and by these presents do give and grant, unto the said Patrick Gallagher and Charles Gallagher, and to their heirs and assigns, the said mining premises hereinbefore described as ———, with the exclusive right of possession

and enjoyment of all the land included within the exterior lines of said survey not herein expressly excepted from these presents, and of — linear feet of the said Camp Bird vein, lode, ledge, or deposit, for the length hereinbefore described, throughout its entire depth, although it may enter the land adjoining, and also of all other veins, lodes, ledges, or deposits throughout their entire depth, the tops or apexes of which lie inside the exterior lines of said survey at the surface extended downward vertically, although such veins, lodes, ledges, or deposits in their downward course may so far depart from a perpendicular as to extend outside the — side lines of said survey: *Provided*, That the right of possession hereby granted to such outside parts of said veins, lodes, ledges, or deposits shall be confined to such portions thereof as lie between vertical planes drawn downward through the end lines of said survey at the surface, so continued in their own direction that such vertical plane will intersect such exterior parts of said veins, lodes, ledges, or deposits, excepting and excluding, however, all that portion of said surface ground embraced by mineral survey No. 254 of the Adlaide mining claim; and also excepting and excluding all veins, lodes, ledges, or deposits, the tops or apexes of which lie inside of the exterior lines of said Adlaide survey at the surface extended downward vertically, or which have been therein discovered or developed: *Provided*, That nothing contained in this grant is intended to interfere with the legal rights of said claimants in case said veins are found on exploration to intersect with each other."

Inasmuch as the owners of the Adlaide lode failed to file an adverse claim and commence suit within the period prescribed by law, I am of opinion that your ruling that they were entitled to the right of appeal as parties in interest was erroneous.

Your decision is modified in accordance with the views above expressed, and the papers transmitted with your letter of March 24, 1879, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR,
Washington, July 25, 1879.

SIR: Referring to my decision of the 21st instant, in the matter of the application of Patrick Gallagher and Charles Gallagher for a patent of the Camp Bird mining claim No. 130, of the survey No. 237, in the California mining district, Fairplay land district, Colorado, you are hereby instructed to insert in the form prescribed in said decision the words "fifteen hundred," so as to make the clause read as follows: * * * "with the exclusive right of possession and enjoyment of all the land included within the exterior lines of said survey not herein expressly excepted from these presents, and of fifteen hundred linear feet of said Camp Bird vein, lode, ledge," &c. * * *

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

The condition of work in the division of this office having charge of mineral lands is shown by the following statement:

Mineral lands sold from July 1, 1878, to June 30, 1879, acres.....	13,963.18
Mineral entries made from July 1, 1878, to June 30, 1879.....	622
Patents issued from July 1, 1878, to June 30, 1879.....	348
Mineral entries unexamined July 1, 1879.....	840
Mineral entries examined and suspended July 1, 1879.....	802
Total entries undisposed of July 1, 1879.....	1,642
Mineral contests undisposed of July 1, 1879.....	60
<hr/>	
Agricultural claims on lands withdrawn as mineral:	
Applications to enter, on which hearings have been ordered, now awaiting decision.....	693
Entries on which proof as to character of land has been made awaiting examination.....	1,754
Total undisposed of.....	2,447
<hr/>	
Total agricultural claims on withdrawn lands acted upon in last fiscal year.....	516
Letters received from July 1, 1878, to June 30, 1879.....	3,292
Letters written from July 1, 1878, to June 30, 1879.....	2,577
Pages of letter record written.....	3,421
Pages of patent record written.....	2,357

Swamp and overflowed lands.

During the year just closed 478,462.27 acres of land have been claimed and reported to this office under the acts of Congress granting swamp and overflowed lands to the several States, making the total area claimed and reported under said acts 68,995,097.53 acres.

Lists embracing 44,712.57 acres have been formally approved, increasing the whole amount thus approved to 51,532,623.08 acres, including 8,291,225.31 acres approved to the State of Louisiana pursuant to the provisions of the act of March 2, 1849, under which the approval has the force and effect of a patent.

Patents have issued under the act of September 28, 1850 (Revised Statutes, sections 2479, 2480, and 2481), for 75,388.08 acres, making the total number of acres patented under said act 59,483,547.39.

Under the act approved March 2, 1855 (Revised Statutes, section 2482), 419,534.11 acres have heretofore been patented in lieu of that amount of land located with military bounty land warrants or scrip.

The aggregate area definitely disposed of by approval under the act of 1849 and by patents under the other acts relating to swamp and overflowed lands, from the date of the passage of said acts to the end of the fiscal year, is 48,194,307.11 acres.

The following summary of the more important work connected with the adjustment of the grants above cited is submitted:

Number of letters received	958
Number of letters written	1,105
Pages of letter record covered	1,064
Number of lists prepared for approval	15
Certified copies of lists prepared and transmitted to the governors of the several States and the local land offices	31
Number of patents executed	7
Pages of patent record covered	30
Pages of swamp selection record covered	253
Number of contested cases decided	110
Number of tracts examined with the field notes of survey to determine their character	1,403
Number of tracts upon which claims for indemnity have been adjusted on testimony submitted	637
Certified copies prepared for individuals	9
Entries and locations held for cancellation for conflict with claims under the swamp grant	88

The correspondence has been kept up as far as possible, and quite a number of old cases have been finally disposed of.

Lists embracing a large area of more recent selections that have been in the office for some time have been noted on the records, and examinations have been made which will result in the final disposition of claims under the several swamp land grants for a large amount of land during the ensuing year.

New selections are being made and reported, and the work of adjusting claims for land selected many years ago has become more difficult with lapse of time. The number of contested cases is rapidly increasing. Claims for swamp land indemnity to a very large amount have been filed, and, in view of the arrangements for investigating such claims now determined upon, the adjustment of these cases will necessarily be delayed until an additional clerical force can be assigned to this division.

The present force is sufficient to keep the correspondence from falling behind to any serious extent, and if no new work should come in it could bring up the arrearage in the course of one or two years, but, with

the increase which may certainly be expected, at least three additional clerks will be necessary to bring up that now in arrears and prevent an accumulation of new work.

Several of the more important decisions of the department and this office, rendered during the year, are appended, and also the regulations in regard to proof required in claims for swamp land indemnity, prepared in accordance with the decision of the Secretary of the Interior dated June 6, 1878. (Annual Report for 1878, page 112.)

The field notes of survey cannot be accepted as "due proof" of the swampy character of lands for which indemnity is claimed under the act of March 2, 1855.

DEPARTMENT OF THE INTERIOR,
Washington, December 9, 1878.

SIR: I am in receipt of your letter of August 29, 1878, transmitting for my approval an account between the United States and the State of Florida for moneys alleged to be due to said State as indemnity for certain swamp and overflowed lands claimed to have been granted to said State by the act of September 28, 1850, which were sold by the United States prior to March 3, 1857, and for which indemnity is now claimed by the State under acts of Congress of March 2, 1855, and March 3, 1857. (Revised Statutes, sections 2482, 2483, and 2484.)

On examination I find that you have accepted the field notes of survey as due proof of the swampy character of the land at the date of the grant, basing your action upon a decision of my predecessor, Hon. R. McClelland, of July 7, 1855 (1 Lester, 552), and the subsequent practice of your office. In this I think you erred.

These lands were selected as inuring to the State under the swamp grant in the years 1851, 1854, 1855, and 1856, and a few tracts were included in the reports of the surveyor general, made during the years 1858 and 1859, as being lands for which the State was entitled to indemnity, but no formal application for indemnity appears to have been made by the agents of the State until the month of April of the present year, and the list now presented appears to have been compiled from the original lists of selections.

This claim must therefore be considered as being now presented for the first time, and the question for consideration is, not what may have been the practice of your office in former years, but what evidence is required by the regulations and instructions now in force to entitle the State to indemnity for the lands in question.

By circulars of your office dated March 18, 1872, January 23, 1877, and August 12, 1878, the evidence of at least two respectable and disinterested witnesses as to the swampy character of the land at the date of the swamp grant is required in all cases in order to entitle the claimant to obtain indemnity therefor. By these regulations all former rules upon this subject were set aside and annulled and a new character of proofs required.

The practicability of adopting the field notes of survey as "due proof" of the swampy character of lands for which indemnity is claimed, has heretofore been the subject of careful consideration by this department, and has been rejected.

The field notes are but evidence of the character of the land at the date of survey; whereas the law requires due proof that the lands were swampy at the date of the grant, and as none of the surveys were made on the date of the grant, they do not furnish satisfactory evidence as to the actual character of the land on September 28, 1850.

The subsequent entry of the lands for agricultural purposes is also sufficient to raise grave doubts as to their swampy character.

Another reason why the field notes of survey are deemed insufficient evidence of the swampy character of the land is the fact that only the exterior lines of a section are ever actually surveyed, the quarter-section and quarter-quarter-section lines being merely theoretical lines and not lines of actual survey. The field notes may correctly represent the character of the lands over which the survey is actually made, but in cases where a forty-acre tract is located in the interior of a section, it is obvious that the field notes cannot, from the nature of the case, furnish satisfactory evidence of the true character of the land.

The law makes you the judge, with the approval of the department, of what constitutes "due proof" of the swampy character of the land in 1850, and does not confine the scope of your inquiry to a mere examination of the field notes of survey.

The regulations heretofore promulgated specifically define the character of proofs required, and demonstrate beyond doubt that the field notes alone were not deemed by your predecessor or yourself as constituting "due proof" upon which to base a claim for indemnity.

The clause in your circular of August 12, 1878, providing for the adjudication of

pending claims on the proofs already adduced in support of them was inserted in conformity with the instructions contained in my decision of June 6, 1878, in case of Green County, Iowa, and was intended to cover cases where the *evidence of witnesses* in support of a claim had actually been procured and filed under previous regulations, and not new lists subsequently constructed from old official data on file in your office.

For the reasons stated the claim is rejected, without prejudice to the right of the State to renew her application, supported by proper proofs made in conformity with existing regulations.

The papers relating to this case are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

STATE OF CALIFORNIA.

A correct interpretation of section 2488 of the United States Revised Statutes requires that the segregation and survey, upon which the State of California bases her claim to swamp lands, must be a survey actually made in the field according to the system adopted by the United States.

The United States surveyor general for California will, in all cases where application is made by the State for the approval of segregation maps and surveys made by her, require satisfactory evidence that such survey was actually made in the field, the exact date of such survey, and by whom made; he is also required to transmit the evidence upon which he based his approval of township plats made by the State, so that the Commissioners of the General Land Office may act intelligently and be satisfied that the State surveys were actually made as contemplated by law.

DEPARTMENT OF THE INTERIOR,
Washington, December 12, 1878.

SIR: I am in receipt of an appeal by Theodore Wagner, esq., attorney for the State of California, from your decision of May 17 last, refusing the application of said State to have approved to her certain lands alleged to be swamp, and to be adjoining Tulare Lake, embraced in the following townships:

Tp. 21 S., R. 19 E., Mt. Diablo Meridian.

" 21 "	" 22 "	" "
" 21 "	" 23 "	" "
" 22 "	" 19 "	" "
" 22 "	" 23 "	" "
" 23 "	" 19 "	" "
" 23 "	" 20 "	" "
" 23 "	" 23 "	" "
" 23 "	" 24 "	" "
" 24 "	" 20 "	" "
" 24 "	" 21 "	" "
" 24 "	" 22 "	" "
" 24 "	" 23 "	" "
" 24 "	" 24 "	" "

The application of the State for these lands is made under the provisions of section 2488 of the Revised Statutes, which is as follows:

"It shall be the duty of the Commissioner of the General Land Office to certify over to the State of California as swamp and overflowed lands all the lands represented as such upon the approved township surveys and plats, whether made before or after the 23d day of July, 1866, under the authority of the United States.

"The surveyor general of the United States for California shall, under the direction of the Commissioner of the General Land Office, examine the segregation maps and surveys of the swamp and overflowed lands made by said State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land Office for approval.

"In segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land."

It will be observed that the second subdivision of the section requires the United States surveyor general for California, under instructions from the head of your office, to examine the segregation maps and surveys of the swamp and overflowed lands made by the State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to your office for approval.

The United States surveyor general of California states that the first evidence of a claim of the State to swamp and overflowed lands around Tulare Lake was given to his office by the application made May 23, 1877, to approve the plats and surveys

representing the segregation of the swamp lands by the State in the townships above mentioned.

Accompanying said application is the following certificate:

"I, William Minis, surveyor general of the State of California, do hereby certify that the land designated upon the plats of township 24 south, range 21 east, and 24 south, range 22 east, certified by me on the 5th day of May, A. D. 1877, and filed in the office of the surveyor general of the United States, under my direction, by Theodore Wagner, were segregated by said State as swamp and overflowed land as being within a large body of land notoriously and obviously swamp and overflowed, the exterior lines of which large body of land were in other and adjoining townships; and I further certify that said townships were deemed to be segregated as swamp and overflowed lands by reason of being within the segregation lines of said large body of land notoriously and obviously swamp and overflowed land previous to the 23d day of July, 1866."

The certificate on the township plat filed with the United States surveyor general is as follows:

"I, William Minis, surveyor general of the State of California, do hereby certify that the foregoing map of township 24 south, range 21 east, Mount Diablo meridian, is strictly conformable to the field notes of the surveys made under the authority of the laws of the State of California. That the lands so surveyed appear by said surveys to be actually swamp and overflowed lands, and that said surveys conform to the system of surveys adopted by the United States, and this map is herewith submitted to the surveyor general of the United States for California for his approval, under the provisions of section 2488 of the Revised Statutes of the United States."

The following certificate also appears:

"I, William Minis, surveyor general of the State of California, do hereby certify that the lands designated upon the plats of township 23 south, range 23 east, certified by me on the 5th day of May, 1877, and filed in the office of the surveyor general of the United States, under my direction, by Theodore Wagner, on the 8th day of May, A. D. 1877, were segregated by the State of California as swamp and overflowed land prior to the 23d day of July, 1866."

The certificate on the township plat of 23 south, 23 east, is the same as that above cited on the plat of township 24 south, range 21 east.

A tracing showing the location of Tulare Lake and the lands claimed was also filed with the application. This tracing has the following certificate:

"I, William Minis, surveyor general for the State of California, do hereby certify that the above tracing correctly represents the exterior and interior lines of the body of swamp and overflowed land around Tulare Lake; that said exterior lines were established and accepted by the State of California as the segregation lines of the swamp and overflowed land around said lake prior to the 23d day of July, 1866, and that the State of California in the disposition of said lands, according to her laws, has been governed by the said exterior lines so established, and that the line colored green in this tracing designates said segregation line, and the line colored blue the water line of Tulare Lake."

The United States surveyor general refused to approve said plats, for the reason that the alleged State surveys did not conform to the system of surveys adopted by the United States in that the segregation of what purports to be the swamp land from the waters of the lake was made on the legal subdivision lines and not along the meander of the shore of said lake as prescribed in the manual of instructions to surveyors general of public lands.

The certificates above cited are *prima facie* evidence only that the surveys made by the authority of the State were in conformity to the system adopted by the United States, but it must be observed that the same certificates are also *prima facie* evidence that the surveys by the State were not actually made in the field, but rather that the lines established by the United States survey were adopted by the State as segregation lines, and upon the adoption of said lines, or what is denominated a survey, the claim of the State is founded.

Section 2488 of the Revised Statutes requires that the United States surveyor general shall examine the segregation maps and surveys made by the State, and when he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly. That in segregating large bodies of land notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land.

I am clearly of the opinion that a correct interpretation of both the letter and the spirit of this law requires that the segregation and survey upon which the State bases her claim to swamp land must be a survey actually made in the field according to the system adopted by the United States.

If the townships in question were not thus actually surveyed, the United States surveyor general did right in refusing to approve the plats, and his action must be approved by this department.

As the evidence, however, on this point is not conclusive, you are instructed to notify the authorities of the State of California that a reasonable time, not to exceed sixty days, will be given in which to file evidence of the fact that the surveys of the townships in question were actually made in the field by duly appointed surveyors. As the township plats designate the legal subdivisions of lands therein, the evidence as to the exact date of survey of each subdivision, and by whom made, must be satisfactory. Should the State decline to furnish such evidence you will report the fact to this department.

You are hereby authorized to instruct the United States surveyor general for the State of California that in all cases where application is made by the State for the approval of segregation maps and surveys made by her, he will require satisfactory evidence that said survey was actually made in the field, the exact date of such survey, and by whom made; also, that in cases where he approves township plats and transmits the same for your approval, he will transmit with said plats the evidence upon which his action was based, that you may also act intelligently upon the application for approval, and be satisfied that the State surveys were actually made as contemplated by law.

Very respectfully,

C. SCHURZ,
Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

WILLARD *vs.* STATE OF OREGON.

In cases where a homestead settler claims under an act passed subsequent to the swamp land grant of March 12, 1860, as against the State of Oregon, and where said lands have been listed by the State, but the lists have not been approved by the Secretary of the Interior, the State, in order to defeat the settler's right, must show by conclusive evidence that the tract claimed was swamp land at the date of the act of March 12, 1860.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 6, 1879.

SIR: I have considered the case of Orson R. Willard *vs.* The State of Oregon, involving the right to the northwest quarter of southeast quarter south half of southeast quarter of section 12, and the northeast quarter of northeast quarter of section 13, township 28 south, range 13 west, Roseburg, Oregon.

Willard claims, under his homestead entry, made October 15, 1875, and the State claims under the swamp grant of March 12, 1860.

In your decision of January 25, 1878, you held that the testimony submitted established the fact that each smallest legal subdivision of land in controversy was not of a swampy or overflowed character, and rejected the claim of the State.

From this decision the governor of the State of Oregon appeals, and as ground of appeal assigns the following reason, viz: "That the honorable Commissioner erred in holding that it appears from the testimony in said case that each smallest legal subdivision of the land in controversy is not of a swampy character, and that the honorable Commissioner further erred in not deciding upon said testimony that each and every legal subdivision of said land is in fact of a swampy character and inures to the State under the grant aforesaid."

The claimant under the State, through his attorneys, appeals, alleging as grounds of error the following reasons, viz:

1st. The Commissioner of the General Land Office erred in deciding that the government was not stopped by the survey and report of the deputy United States surveyor in the field as to the land in question.

2d. The Commissioner erred in deciding that the State had not a vested right and indisputable title to the land in question after the State had listed said land and said listing had been approved by the general government, the same being prior to the filing of the homestead claimant.

3d. That decision was contrary to the legal evidence therein.

It has been held by this department that the grant made to the State of Oregon by the act of March 12, 1860, was not an unqualified grant *in presenti* of all the swamp land in the State at that date. Any land which the government had reserved, sold, or disposed of, under any law passed prior to December 12, 1860, prior to the issuance of patent to the State as swamp land, was excepted from the operation of the grant. The rule for adjusting the conflicting claims of pre-emptors and the State was stated by my predecessor in his letter dated October 13, 1876. (Copp's Land Owner for November, 1876.)

The claim of Willard was initiated under a law passed subsequent to March 12, 1860, hence, other questions arise in the adjustment of the claim.

The legislative assembly of the State of Oregon, by an act approved October 26, 1870, provided for the selection and sale of swamp lands. Its provisions, however,

were inadequate to the adjustment of the grant made by the government to the State, and it was not until October 13, 1874, that the State elected in what manner she would determine the character of the land claimed as swamp. On that day the following joint resolution was adopted by the legislative assembly:

"Resolved by the legislative assembly of the State of Oregon, That the State of Oregon hereby elects to select the swamp and overflowed lands within her boundaries by agents of the State, and the proper officers of this State are hereby instructed to furnish to the Department of the Interior such evidence and in such manner of the swampy character of these lands as the said department shall prescribe."

The land in dispute between Willard and the State was surveyed by the United States deputy surveyor in the year 1871, and it is alleged that his field notes show the land to have been swampy at that date.

The tracts were selected as swamp by the agent of the State November 22, 1872, and the list containing the same was transmitted to your office by the governor of the State January 14, 1873.

On the 15th of March, 1873, the United States surveyor general for the State of Oregon transmitted to your office a list of lands selected as swamp, and approved by him as such. Said list contained the tracts in dispute. Neither the list transmitted by the governor of the State nor the list approved by the surveyor general has been approved by the head of this department, nor has a patent been issued for the land.

As the State has elected to submit evidence as to the swampy character of the land, she must be concluded by that evidence.

The field notes of the deputy surveyor, and the approval of the tract as swamp by the surveyor general, may be taken as evidence of the character of the land, but not as conclusive evidence; in other words, testimony may be introduced by a party in interest in a contest to sustain the field notes and the approval, or it may be introduced to contradict the same, and this evidence may be introduced at any time under the rules governing contests prior to the transfer of title by the government by the issue of a patent.

The adjustment of all cases similar to the one under consideration must depend upon the character of the land at the date of the swamp grant, March 12, 1860.

The fact that the land was returned as swamp by the deputy surveyor, that it has been selected as such by the State, and that said selection has been affirmed by the surveyor general, is not sufficient to establish the claim of the State in the absence of satisfactory corroborative proof as to the character of the land.

Where contests arise, each and every case must depend upon its merits.

In the case under consideration, most of the evidence submitted has reference to the character of the land at the date of survey and a few years prior thereto, and at the date of settlement by Willard and since that time. One witness, however, testifies that he became acquainted with the land in the year 1859, and that each of the smallest subdivisions was more dry than swampy at that date. His testimony is not successfully contradicted, and after a careful examination of all the evidence submitted, I am of the opinion that the land was not swampy in 1860, and that your decision rejecting the claim of the State must be affirmed.

The right of Willard to perfect his claim will, of course, depend upon his compliance with the law.

The papers in the case are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

Swamp land indemnity certificates issued under the provisions of the act of March 2, 1855, can only be located on land subject to entry upon the sole consideration of payment of \$1.25 or less per acre.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 17, 1879.

SIR: Referring to the application of James Graham, agent for Lawrence County, Illinois, by his attorney, John W. Steele, to select under indemnity certificate No. 6 the following lands, to wit:

- Lots 1, 2, and 3, of section 1;
- Lot 1, of section 2;
- Lot 1, of section 9;
- Lots 1 and 2, of section 11;
- Lots 1 and 3, of section 12;
- Lots 1, 2, 3, 4, 5, and 6, of section 13;
- W. $\frac{1}{2}$ of N. E. $\frac{1}{4}$, of section 13;
- Lot 2, of section 21;
- Lots 4, 5, 6, and 7, of section 22;
- N. E. $\frac{1}{4}$ of section 22;

E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of section 22;
 N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of section 22;
 W. $\frac{1}{4}$ of section 23;
 Lots 1, 2, 3, 4, 5, of section 24;
 Lots 4, 5, 6, 7, 8, 9, of section 26;
 E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of section 26;
 N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of section 26;
 N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of section 26;
 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, of section 27;
 S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ of section 27;
 E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of section 27;
 N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of section 27;
 W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of section 27;
 Lot 1, of section 28;
 Lot 1, of section 33;
 Lots 1, 2, 3, 4, 5, 6, 7, 8, of section 34;
 Lots 2, 3, 5, 6, and 7, of section 35;
 E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of section 35;
 Lots 1, 2, 3, 4, 5, of section 36;
 S. W. $\frac{1}{4}$ of section 36;

all in township 46 north, of range 9 east, of the third principal meridian, Illinois, I have to say that the indemnity certificate No. 6 was issued to the State of Illinois August 13, 1861, under the second section of the act of Congress approved March 2, 1855, and authorizes the State of Illinois to select 20,645.20 acres, out of any of the public lands in said State, subject to entry at \$1.25 per acre or less, and not claimed by pre-emption.

The land applied for has not been offered for sale and is not subject to entry at \$1.25 per acre.

The general law for the disposal of the public lands provides that land shall be offered at public sale at not less than \$1.25 per acre after being advertised as provided for, and shall be sold to the highest bidder, &c., and until such sale has been held and the land offered the price is not fixed at \$1.25 per acre, consequently until that time there is no fixed price for it in money. Such lands may, however, be entered for other consideration, in whole or part.

The right to enter such lands before offered at public sale is given in consideration of residence thereon and improving the same, or partly for that and the payment of money, or partly for military services. Such rights are limited as to persons and the amount of land that any one may enter. Such entries, *homestead* or *pre-emption*, are allowed not for the consideration of \$1.25 per acre or less, but for the consideration of occupation and improvement and the \$1.25 per acre or less.

So under another act of Congress, lands in certain cases are subject to entry for \$1.25 per acre and the further consideration of irrigating the soil. But in none of these cases can it be said that the lands are therefore subject to entry for \$1.25 per acre or less.

To come within the category, the land must not only be subject to entry, but so subject upon the sole consideration of paying \$1.25 or less per acre.

The lands in question not having yet been offered at public sale, are subject to entry only by persons of a limited class, and in a limited quantity for each, and only in consideration in whole or part of occupying and improving the same. They are not subject to entry simply at \$1.25 or less per acre.

When the intention is to give indemnity out of any of the surveyed lands, Congress has not failed to make such intention clear by its language.

The words "subject to entry at \$1.25 per acre or less," in section 2482 of Revised Statutes, have reference solely to the lands that remain unsold at the close of public sales described in section 2357, or such other lands as are offered for sale for less money and without other consideration.

The application of Mr. Graham is therefore rejected.

Sixty days from this date will be allowed within which to take an appeal from this decision to the Secretary of the Interior.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

ISAAC R. HETT, Esq.,
Illinois State Agent, Washington, D. C.

(No appeal was taken from the foregoing decision.)

Rules and regulations adopted by the General Land Office, with the approval of the Secretary of the Interior, in regard to the proof required in claims for indemnity under the act of March 2, 1855, extended by the act of March 3, 1857 (sections 2482, 2483 and 2484, Revised Statutes of the United States), for "swamp and overflowed lands" sold by the United States prior to March 3, 1857.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., August 12, 1878.

In order to dispose of the claims for indemnity provided for by the act of Congress approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," which act was extended by the act of March 3, 1857 (as revised, now sections 2482, 2483, and 2484 of the Revised Statutes of the United States), the following rules and regulations in regard to the "due proof" to be made to the Commissioner of the General Land Office, under the second section of said first mentioned act (as revised, now section 2482 Revised Statutes of the United States), in order to obtain the indemnity aforesaid, are adopted:

The governor, or other duly authorized officer or agent of the State claiming indemnity, will be required to furnish this office with a list of the lands for which indemnity is claimed. As soon as practicable after the receipt of this list, an agent will be appointed to make an examination in the field of each of the tracts therein described, and secure such reliable information as to the character thereof as can be obtained from personal examination and observation, and by inquiry of the owner or resident thereon, if any there be, and of persons residing in the vicinity having personal knowledge of the past and present character of the land. Upon the completion of this examination at least thirty days' notice will be given the State, or claimants under the State, of the time and place when and where testimony will be received touching the character of the lands described in the list filed in this office.

At the times and places thus fixed the agent of this office will attend for the purpose of examining witnesses and adopting such other measures as may be necessary to protect the interests of the government.

The evidence offered by the State or its agent, as to the character of the land, must be the testimony of at least two respectable and disinterested persons who have personal and exact knowledge of the condition of the land during a series of years extending to the date of the swamp grant (September 28, 1850).

Where the testimony of witnesses having a knowledge of the condition of the land at the date of the grant cannot be obtained, the evidence of at least two respectable and disinterested persons, who have a knowledge of the land during a series of years extending as near to the date of the grant as possible, may be presented; but before presenting this secondary evidence the State agent should file his own affidavit setting forth fully and satisfactorily the reasons for the failure to present the testimony of the first mentioned class of witnesses, and also setting forth that the witnesses whose testimony he offers have the best knowledge of the land extending nearest to September 28, 1850, of any that can be obtained.

The testimony of each witness should not only show that at the time when he first knew the land the greater part of each forty-acre tract, or other smallest legal subdivision, was swamp or overflowed within the meaning of the grant, but it must be full and explicit on the following points:

The cause of the swampy character or overflow, with the time of the year and the length of time such was the condition of the land, and how much or what proportion of the tract was thus rendered unfit for cultivation in its natural condition:

The nature and extent of the means necessary to reclaim the land;

The kinds of timber, plants, shrubs, grasses, &c., growing on the land, and whether or not plowing and the removal of timber or other natural growth would not have caused the land to become dry enough for cultivation without ditching, draining, or protection from overflow;

The names of water courses, lakes, &c., on or near the land, with a description of the size of the same, and, where not on the tract, the direction and distance from it;

The general character of adjacent and surrounding lands;

The present condition of the land, and in case any changes have taken place within the knowledge of the witnesses, the nature and cause of such changes, with a full description of such artificial means of reclamation as have had any effect on the character of the land, and all other facts known to the witnesses which may tend to show the true condition of the land.

The witnesses should be required to state facts, not opinions, and their testimony should be as full and complete as to every fact within their knowledge as if it were needed to establish the character of the land to the satisfaction of a judge or jury.

Ex parte affidavits will not be considered, and all testimony must be taken in the presence of the agent of this office.

Depositions may be taken before any officer authorized by law to administer oaths;

provided, that if taken before an officer other than the clerk of a court of record having a seal, the official character of such officer shall be established by the certificate of the clerk of the proper court of record under the official seal thereof.

In all cases the disinterestedness of the witnesses must be established under oath, and the credibility of the witnesses must be certified to by the officer taking the depositions, or established by the oath of witnesses to whose credibility he certifies.

In cases where the agent of this office shall be satisfied, from the previous examination in the field, that any tract or tracts are of the character contemplated by the swamp grant, the testimony of two witnesses as above mentioned will be deemed sufficient proof; but in cases where said agent shall not be so satisfied from the previous examination in the field, he will take measures to secure such additional evidence as may be necessary to fully determine the character of the land, by obtaining the testimony of the owner or occupant of the land, or, if those persons have testified, other well informed persons residing in the vicinity of the land, allowing the agent of the State full opportunity to cross-examine such witnesses should he desire to do so.

If the agent of this office shall be in doubt as to the amount of a particular tract which is swampy or overflowed, he will have a survey and plat made of the tract by a competent surveyor, in order that the exact amount of swampy or overflowed land in the tract may be shown.

After the testimony is taken the agent will make a full report to this office upon each of the tracts upon which testimony is taken, together with his opinion as to the real character of each of said tracts.

These regulations will supersede all former regulations; but cases where proof has heretofore been taken and filed in this office will be examined and determined upon such proof, if it is found to be in strict accordance with the regulations existing at the time of taking the same.

J. A. WILLIAMSON,
Commissioner.

DEPARTMENT OF THE INTERIOR,
August 20, 1878.

Approved:

A. BELL,
Acting Secretary.

Adjustment of accounts.

The Commissioner of the General Land Office is by law made the auditor of all public accounts relative to the public lands. The accounts and returns of registers and receivers, the accounts of receivers acting as disbursing agents, timber agents' accounts, State swamp land indemnity accounts, State fund accounts, and claims for the repayment of purchase money for lands erroneously sold, are received, examined, adjusted, and recorded in the division of accounts.

The returns of registers and receivers embrace all disposals of the public lands and of Indian trust lands at the several district land offices in the United States under the various laws authorizing the same. These returns are examined, verified, and registered in this division before distribution to the other divisions of the office. Instructions are also issued from this division to registers and receivers relative to the preparation and transmittal of such returns for the correction of errors and upon numerous questions of detail which arise in connection therewith. Special inquiries relative to the disposal of the public lands and to other matters pertaining to the financial department of the public land administration are answered and explanatory tables prepared in this division.

The general work of the division of accounts for the fiscal year ending June 30, 1879, may be thus summarized:

Letters received.....	17,944
Letters written (covering 3,496 pages letter post).....	3,294
Audited and adjusted and reported to the First Comptroller of the Treasury for final settlement:	
Quarterly accounts of receivers of public moneys.....	4-1
Quarterly accounts of receivers acting as disbursing agents.....	520
Timber agents' accounts.....	15

State fund accounts.....	14
State swamp land indemnity accounts.....	13
Repayment accounts for lands erroneously sold.....	179

The above accounts covered 2,002 pages folio post and 254 pages cap. The record of the reports on said accounts, together with the record of special statements and other written matter, embraced 2,656 pages folio.

Tabular statement No. 2, appended to this report, was prepared in the division of accounts, and represents a great amount of labor.

State fund accounts.—During the last fiscal year the State fund accounts finally adjusted, recorded, and stated to the First Comptroller of the Treasury embraced the following:

Alabama and Mississippi two, three, and five per cent. accounts for the years ending 31st December, 1860 and 1861.

Arkansas and Louisiana five per cent. accounts for the years ending 31st December, 1860 and 1861.

Colorado, Kansas, Minnesota, Michigan, Nebraska, Nevada, Oregon, and Wisconsin five per cent. accounts for the fiscal year ending June 30, 1878.

The fund accounts of Alabama, Arkansas, Florida, Louisiana, and Mississippi have been made up and stated to June 30, 1879, inclusive. But in consequence of repayments on account of lands erroneously sold, and the expenses incident to the sale of the public lands in those States being in excess of the gross receipts, against which both the foregoing items are legally chargeable, nothing has accrued to either of said States since December 31, 1861.

The two and three per cent. fund accounts of the State of Missouri have also been examined up to June 30, 1879, but nothing has accrued to said State since December 31, 1874, to which date all accounts have been reported to the First Comptroller for settlement.

In the case of Iowa, the five per cent. account has been adjusted to December 31, 1873, since which date the repayments on account of lands erroneously sold and the expenses incident to the sales of public lands within said State have been in excess of the gross receipts. Hence nothing has accrued since the date alluded to.

Repayments and changes of entry.—At the termination of the fiscal year the unfinished business consisted of—

Repayment claims complete and awaiting adjustment	21
Repayment claims incomplete and awaiting further evidence.....	600
Applications for change of entry.....	12

Much complaint exists in respect to the difficulty of obtaining just relief under the existing law authorizing repayment in cases of erroneous sales of the public lands. By the act of 1825 repayments were limited to cases where there was a want of title on the part of the United States to the land attempted to be purchased. The act of 1859 (now section 2362 Revised Statutes) extended the remedy to embrace cases in which, from any cause, the sale could not be confirmed.

Under recent decisions governing the action of this office in the adjudication of repayment claims, it is held that the statute does not authorize repayments where the United States had, at the date of the attempted purchase, complete title to the land, though by reason of laches on the part of the purchaser, and error on the part of the land department officials, or both, the legal title has been transferred to some other claimant, and therefore cannot be conveyed to the original purchaser except through the action of the courts.

It is obvious that reasons other than that of a want of title in the United States may prevent the confirmation of a sale, since an entry

may be erroneously initiated, or the proceedings may be subsequently voided in consequence of some non-compliance with the laws or regulations, or other error or neglect for which the purchaser may or may not be primarily responsible; and if a sale be made otherwise than in accordance with law, it is clear that it cannot legally be confirmed, notwithstanding the fact that the United States had title to the land which it could have conveyed had no valid objection intervened.

Cases may arise and have occurred where, though no statutory forfeiture was provided, a sound public policy would appear to justify this office in declining to recommend repayment. These are cases in which the entry is canceled because of some illegal act of the party in which fraud or an attempt at fraud is shown to have been an element. The discretionary power vested in the Secretary of the Interior, by which he is authorized to make repayments, would, however, seem to embrace all necessary authority for the proper protection of the public interests against fraudulent attempts to obtain title to the public lands without the necessity of punishing simple errors or merely technical informalities by a forfeiture of moneys innocently paid and for which the party has received no valuable consideration.

It would seem clear that where a party has, in good faith, paid his money for land which he cannot obtain, his money ought to be returned. The application to purchase and the payment to the land officers of the purchase money constitute a part of the contract of sale. If the United States, for any reason satisfactory to itself, does not perform its part of the contract by giving title to the land attempted to be purchased, it certainly should not take advantage of its own acts or of the fact of superior power to retain in its possession money to which it has no legal or equitable right.

Repayment claims are not in the nature of unascertained or questionable demands upon the Treasury. They are claims, not for the money of the United States, but for money improperly in the custody of the United States. It would seem that the law ought to provide for the return of such money to the parties to whom it legally and equitably belongs, without difficulty in the interpretation of the statute, and as speedily and with as little trouble and expense to the legitimate claimants as practicable.

Since the passage of the homestead and timber-culture laws and the adoption of the single and double minimum classification of the public lands, a class of cases has arisen the equities of which are beyond question, but which, not having been contemplated by the original acts authorizing repayments, are held not to be provided for under the terms of the statute. These are cases in which an excessive price is charged for lands sold by improperly rating single minimum land as double minimum, or in which excessive fees or commissions are paid in homestead, timber-culture, or other entries and locations, through similar erroneous rating or other cause, for which the party making the purchase, entry, or location is in nowise at fault, but in which the error exists wholly on the part of the United States.

I should fail in the discharge of my duty to the public, no less than in my appreciation of the dignity and good faith of the government, if I did not earnestly urge upon the attention of Congress the necessity for additional legislation to provide for the palpably just relief which seems to be demanded in cases of this character.

With a view, therefore, of obviating conflicting constructions of existing law, and of providing for the class of cases above referred to, I re-

spectfully recommend that section 2362 of the Revised Statutes be amended to read as follows:

SEC. 2362. Where any money has been erroneously paid to the United States on account of the purchase, entry, or location of the public lands under any law providing for the sale or disposal thereof, the Secretary of the Interior is authorized, upon proof to his satisfaction of the existence of such error, and that the same was not caused by any fraudulent act of the party in interest, to repay to the person making the original purchase, entry, or location, or to his heirs, legal representatives, or assignees, the sum of money so erroneously paid, out of any money in the Treasury not otherwise appropriated.

I append the following decisions in repayment cases:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., April 15, 1878.

SIR: I have considered the appeal of Job Brookfield, father and heir of Oscar W. Brookfield, from your decision of May 16, 1877, declining to recommend the repayment of purchase money, in excess of ordinary minimum, paid July 27, 1867, by said Oscar W. Brookfield, for the southwest quarter section 14, township 3 north, range 7 east, Stockton, Cal., on the application of said Job Brookfield therefor.

Section 2362 Revised Statutes authorizes the Secretary of the Interior, upon satisfactory proof "that any tract of land has been erroneously sold by the United States, so that from any cause the sale cannot be confirmed, to repay to the purchaser, or to his legal representatives or assignees, the sum of money which was paid therefor."

The sale of this land was confirmed by a patent to Oscar W. Brookfield May 1, 1868. This is not, therefore, a case within the provisions of said section 2362; and I find no other statute authorizing the repayment asked for.

I therefore affirm your decision, and return the papers transmitted with your letter of May 28, 1877.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR,
Washington, July 1, 1879.

SIR: I herewith return without my approval the application of Christopher Bradley for the return of the purchase money paid by William Haxby March 11, 1848, for the northwest of northwest quarter of section 35, township #8, range 23, Iowa.

From the statement contained in your letter dated January 23, 1878, addressed to the register and receiver at Des Moines, Iowa, it appears that at the time of the sale of the tract in question to Mr. Haxby, the United States had title to the land, and there was no valid obstacle to the confirmation of the sale, neither was there any such obstacle until the year 1877, when the tract was illegally and erroneously selected by the Dubuque and Sioux City Railroad Company, and approved for the benefit of the grant for said company.

Section 2362 of the Revised Statutes provides for the return of the purchase money only in cases where, for any reason, the sale cannot be confirmed.

The inability of the government to confirm the sale, however, must be one which exists at the date of the attempted purchase. If at that date the government can confirm the sale, the purchase money cannot be returned under the statute, even though by reason of laches on the part of the purchaser, or error on the part of the Land Department officials, the government has subsequently been placed in a position where it is impossible to transfer the legal title, as in the present instance.

It may be true that one reason why patent was not issued at the time the tract was purchased was owing to the errors of the local land officers. This, however, was no excuse for Haxby. Had he exercised the least care in the matter of perfecting his title the mistake would have been corrected, and a patent issued to him many years since. The railroad company has no legal right to the land; but in view of the laches of Haxby or his grantees, I do not think it is the duty of this department to take any further action in the premises. The parties must resort to the courts for any relief which they may deem themselves entitled to.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR,
Washington, June 26, 1879.

SIR: I herewith return, without my approval, the application of John J. Wright for the return of purchase money paid by Elias W. Tuttle for a tract of land, the sale of which could not be confirmed on account of a prior transfer by the government to the Missouri, Kansas and Texas Railroad Company.

This case is submitted in accordance with the rule in force in this department.

The evidence shows that Tuttle made payment for the land June 22, 1871, and that he transferred the same to Ann Wright by warranty deed November 30, 1872, and that the heirs of Ann Wright transferred to John J. Wright by quit claim deed, September 25, 1876.

From the record presented it appears that Ann Wright had her remedy, which should have been enforced against her grantor and warrantor. If she was indemnified by him, neither she nor her grantees have any claim against the United States, although the original purchaser may have.

In all cases of this kind I am of the opinion that the applicant, if an assignee, should be required to satisfactorily show that he or she has not and is unable to obtain indemnification from the grantor.

If the original purchaser has transferred the land, and subsequently applies for a return of the purchase money, he should be required to show that his grantee has been indemnified.

The evident purpose of the statute is to return the money paid to the party legally and equitably entitled thereto.

If the grantor is unable to protect his grantee, I think, under the statute, the money should be returned to said grantee by the government; but if otherwise, the rule of law should be followed, and each grantee must look to the grantor for protection. The original purchaser will then have his remedy against the United States, inasmuch as he is entitled to the return of the purchase money.

Care should be exercised in the adjustment of cases, and each one should be determined upon its merits.

In each case the applicant should be required to satisfactorily show that he is legally and equitably entitled to make the demand.

Very respectfully,

C. SCHURZ, .
Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR,
Washington, June 26, 1879.

SIR: I herewith return, without my approval, the application of M. A. and W. E. Benton, for the return of purchase money under sections 2362, 2363, and 3689 United States Revised Statutes.

It appears from the papers in this case that Charles Lane, on August 20, 1868, paid \$200 for a tract of land, the sale of which could not be confirmed on account of a prior transfer to the State of Iowa; that said State of Iowa granted the land to Charles Lane, and that Orrin Benton deraigned title from said Lane.

M. A. and W. E. Benton, the heirs of Orrin Benton, now make application for the return of said purchase money. It appears from the assignment on the duplicate receipt that Lane, for a valuable consideration, transferred his interest in the tract entered to Barney B. Bell, who assigned to Ella A. Bell, who in turn assigned to Orrin Benton, the father of the present applicants.

As the case is presented, it appears that Barney B. Bell purchased the tract in question from Charles Lane, and that he had a perfect title to the same. It may be true that, in order to perfect title in his grantee, Lane purchased the land from the State of Iowa; but, if so, it is a matter with which neither Barney B. Bell nor his grantees have any interest, so far as the records show. They obtained a perfect title to the land which they purchased, and there their interest ended.

There is nothing in the record to show that Barney B. Bell or either of the subsequent purchasers have any right whatever to demand of the United States a return of the purchase money paid by Lane. The only party who has a right to present such a demand is the original purchaser or his legal representative or assignee.

The term assignee in the statute must be interpreted to mean an assignee of the claim for the return of the purchase money, or, if an assignee of the title to the land, it must be satisfactorily shown that the title assigned was the title which the grantor attempted to obtain from the government, and not the perfect title which he obtained through another source, as in the case under consideration.

The rule herein announced should be followed in all cases of a similar character.

Very respectfully,

C. SCHURZ,
Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR,
Washington, July 29, 1879.

SIR: I herewith return, without my approval, the application of Ole Olson for the repayment of the purchase money paid for the east half of southwest quarter of section 28, township 146, range 49 west, Fargo, Dakota Territory.

You state that this entry was canceled by your office for the reason that the party failed to comply with the pre-emption law as to residence.

At the date of Olson's entry the United States had full title to the land; it was subject to sale, and no obstacle existed to the confirmation of title, so far as the government was concerned.

The application is made under the provisions of section 2362 of the Revised Statutes, which is as follows: "The Secretary of the Interior is authorized, upon proof being made, to his satisfaction, that any tract of land has been erroneously sold by the United States, so that from any cause the sale cannot be confirmed, to repay to the purchaser, or to his legal representatives or assignees, the sum of money which was paid therefor, out of any money in the Treasury not otherwise appropriated."

In view of the practice which appears to have heretofore prevailed in your office and in this department, I deem it proper to consider the question of the correct construction of this statute. The first act of Congress authorizing the repayment of purchase money was approved January 12, 1825 (4 Statutes, 80), and is as follows: "That every person, or the legal representative of every person, who is, or may be, a purchaser of a tract of land from the United States, the purchase whereof is or may be void by reason of a prior sale thereof by the United States, or by the confirmation or other legal establishment of a prior British, French, or Spanish grant thereof, or for want of title thereto in the United States from any other cause whatsoever, shall be entitled to repayment of any sum or sums of money paid for or on account of such tract of land, on making proof to the satisfaction of the Secretary of the Treasury that the same was erroneously sold in manner aforesaid by the United States, who is hereby authorized and required to repay such sum or sums of money paid as aforesaid."

It will be observed that under this statute the purchase money could only be refunded where the purchase of the land was void "by reason of a prior sale thereof by the United States, or by the confirmation or other legal establishment of a prior British, French, or Spanish grant thereof, or for want of title thereto in the United States from any other cause whatsoever."

This was the statute under which the Land Department operated for a period of thirty-four years. During this time Congress granted vast portions of the public domain to aid in the construction of railroads and other works of internal improvements. In many instances a considerable period of time would elapse before the lands thus granted were identified; in many instances, not only the lands granted, but indemnity lands, were withdrawn, by proper authority, from settlement and sale. Lands were also reserved for Indian, military, and town site purposes.

In many of the cases above cited, the United States retained the full title to the lands; they were, however, withdrawn from sale by competent authority. Experience, however, demonstrated that notwithstanding such withdrawal, tracts were frequently but erroneously sold by the local officers. In view of these facts Congress passed an act, which was approved February 28, 1859, amending the act of January 12, 1825 (11 Statutes, 387). This statute is as follows: "That the act of Congress 'authorizing repayment for lands erroneously sold by the United States', approved January twelfth, eighteen hundred and twenty-five, be, and the same is hereby amended, so as to authorize the Secretary of the Interior, upon proof being made to his satisfaction that any tract of land has been erroneously sold by the United States, so that from any cause whatever the sale cannot be confirmed, to repay to the purchaser or purchasers, or to the legal representatives or assignees of the purchaser or purchasers thereof, the sum or sums of money which may have been paid therefor, out of any money in the Treasury not otherwise appropriated."

It will be observed that under this act, where the land had been erroneously sold so that from any cause whatever the sale could not be confirmed, the money should be repaid. This statute was an amendment and enlargement of the original act, rendered necessary by the increased number of obstacles which had been raised to the confirmation of title to lands erroneously sold by the agents of the government. There is nothing, however, which for a moment justifies the supposition that it was the intention of Congress to change the spirit or intent of the original act, viz, that the obstacle to the confirmation of title must be one existing on the part of the government, and not an obstacle caused by the laches, a non-compliance with the law, or the fraudulent act of the purchaser.

Should the latter construction prevail, it would, in effect, be the offering of a premium for the fraudulent purchase of land. Under such a construction, should a party be detected in an attempt to illegally obtain title to land, he would simply request the return of the money paid, and thus be subjected to no loss or inconvenience. A con-

struction of a statute which would lead to such a practice and to such results would be contrary to both good sense and to a sound public policy.

The only safe and correct rule to follow is the one expressly indicated in the original statute and clearly indicated by the history of the transactions of the Land Department prior to the passage of the amended act, and in the terms of said amended act.

Section 2362 of the Revised Statutes is but the embodiment of the act of February 28, 1859. In my letter of the 1st instant, rejecting the application of Christopher Bradley, it was expressly stated that where the obstacle to confirmation of title did not exist on the part of the government, but was the result of laches, or an illegal act, on the part of the applicant, the purchase money could not be refunded. That principle is herein affirmed, and you are instructed to be governed accordingly in the adjustment of future applications for the return of the purchase money.

Very respectfully,

A. BELL,
Acting Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

Transfers of title—Military bounty land warrants and scrip.

By sections 458 and 459 Revised Statutes, it is made the duty of the recorder of the General Land Office to certify and affix the seal of the office to all patents for public lands, to attend to the correct engrossing, recording, and transmission of such patents, which shall be issued in the name of the United States, be signed by the President, and countersigned by the recorder, and shall be recorded in the office, in books to be kept for the purpose.

In addition to the duties as above pointed out and imposed by law, the recorder is directed, in section 459, to "prepare such copies and exemplifications of matters on file or recorded in the General Land Office as the Commissioner may from time to time direct."

Under office order dated July 2, 1878, the military bounty land warrant division, theretofore designated as letter H, was merged in the recorder's division, B; and as thus consolidated, the following work was done in said division of the office during the fiscal year ending June 30, 1879:

Number of letters received.....	9,762
Number of letters written.....	9,001
Number of pages recorded.....	8,023
Certified copies furnished from patent records.....	2,742
Cash received for copies under section 461 Revised Statutes.....	\$6,421 15
Decrease as compared with previous year.....	\$1,369 48

Agricultural patents issued.

Cash entries	4,209
Military locations.....	855
Agricultural college scrip locations.....	91
Homesteads.....	12,702
Chippewa half breed.....	34
Sioux half breed.....	3
Choctaw.....	*1
Total	17,896
Increase over previous year.....	926
Total patents issued by the office, including mineral, swamp, railroad, and private grants.....	18,603

Number of patents transmitted.

Cash	4,014
Military	621
Agricultural college scrip.....	48

* Soscot grant.

Homesteads.....	14,565
Chippewa half breed.....	34
Sioux half breed.....	3
Choctaw.....	1
Total.....	19,286
Excess transmitted over those issued.....	1,391

During the past year there were returned to this office as located 316 military bounty land warrants, issued under the acts of February 11, 1847, September 28, 1850, March 22, 1852, and March 3, 1855, calling for 50,820 acres; showing a reduction from the amount located with similar warrants during the previous year of 33,900 acres.

The following statement will show by States and Territories the locations made therein during the time stated with military warrants under the above-named granting acts of 1847, 1850, 1852, and 1855:

	Acres.		Acres
Arkansas.....	200	Mississippi.....	40
California.....	30,340	Missouri.....	120
Colorado.....	640	Nebraska.....	880
Dakota.....	6,680	Nevada.....	160
Florida.....	440	Oregon.....	320
Idaho.....	320	Washington.....	160
Kansas.....	5,320	Wisconsin.....	120
Louisiana.....	200		
Michigan.....	4,040	Total.....	50,820
Minnesota.....	840		

There are still outstanding and unlocated 22,805 warrants issued under the said bounty-land laws, aggregating 2,599,760 acres.

The work performed by the office under the said several bounty-land acts from the commencement of operations connected therewith to the present time will be found set forth in detail in tabular statement accompanying this report, which shows the total number of warrants issued, the amount of land embraced thereby, the whole number of warrants located upon corresponding areas of land, with number of unlocated warrants, and quantity of land required for their satisfaction.

As a summary, however, it may be stated that 551,057 warrants, calling for 61,007,670 acres, have been issued as bounties to the soldiers of the United States Army for services rendered in the wars prior to and exclusive of the recent rebellion, and that 528,252 warrants, appropriating 58,407,910 acres of the public lands, have been located, leaving a balance of warrants to the number and for the amounts above stated still outstanding and unsatisfied.

To show the extent to which land warrants have been issued as "bounties" for military services, it may be stated, by way of comparison, that it will require to satisfy those already out with those now located an amount of land in acres equal to all the New England States, together with nearly the entire State of Ohio added, and there has already been appropriated by the warrants now located and returned to this office an amount of the public domain exceeding by one million of acres all the New England States combined with the added territory of New Jersey, Delaware, and Maryland.

Of this vast number, 551,057, as stated, many are defective in various ways, principally in regard to the assignments. Several thousand—2,983 by actual count—are suspended at this time for this and other reasons, and during the past year a strong effort has been made to examine and dispose of this class of work, and, with the very limited force that could be placed upon it, 290 cases have been relieved and sent to

patent. Action, however, has been taken which it is hoped may lead to a large decrease of the number of these suspended cases during the coming year.

The many letters and applications received in this office asking for the *issue* of bounty-land warrants, induced me to promulgate the following circular:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 15, 1879.

To answer many inquiries made of this office, the information is given that all military bounty-land warrants under general laws are alone *issued* by the honorable Commissioner of Pensions, to whom all applications for that purpose should be made.

After location upon the public lands, such warrants are transmitted to the General Land Office, where the assignments or transfer thereof are examined, and where they are numerically filed, under each granting act.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

Two warrants for 160 acres each granted under the act of July 27, 1842, for services in the war of 1812, which revived and continued in force for a limited period the original bounty law of May 6, 1812, have been located during the past year, leaving still outstanding ninety-six warrants under said act, aggregating 19,680 acres.

Six warrants for 40 acres each issued under the act of April 11, 1860, entitled "An act for the relief of the heirs of Charles Porterfield, deceased," have been located in the same time, leaving 54 warrants under said act for 40 acres each outstanding, embracing in all 2,160 acres.

In my last annual report attention was called to the fact that there were in this office 82 warrants issued under the act of February 11, 1847, which had been sent to the owners thereof, and having failed to reach their destination, were returned as "dead letters." Of this number four have been called for and claimed by the owners upon due and satisfactory proof of identity. Correspondence is now going forward that will no doubt result in the speedy delivery of many others to the original claimants, or to their heirs in case of the decease of the party named in the warrant.

Nine hundred and forty acres embraced in six certificates have been located with agricultural college scrip, issued under the act of July 2, 1862, and during the year 58 such locations have been adjusted and sent to patent. Of this number five were "duplicates," issued under the act of June 20, 1874, which provides that where agricultural college scrip has been "lost, canceled, or destroyed without the fault of the owner thereof," the same may be reissued. Such duplicates were substituted at this office in lieu of the originals for the locations made with the latter.

Revolutionary bounty-land scrip.—Under the acts of August 31, 1852, and June 22, 1860, Virginia military land warrants granted for services in the war of the Revolution calling for 3,406 acres have been satisfied by the issue of scrip in lieu of the same, and claims for 2,542 acres, founded on such warrants, have been presented since the last report. With these there are now pending under the laws referred to 311 claims, calling for 98,748 acres. Payment has been made in this class of scrip during the past year for 4,835 acres of the public lands.

Satisfaction of this class of warrant claims is necessarily of slow progress. They were required by law to have been "allowed" by the proper authorities of the State of Virginia prior to March 1, 1852, and the lapse of time, the many changes by death, assignments of individual rights, and other causes, make it very difficult to substantiate by legal proofs, as is required, the present proprietorship of the warrant granted.

All perfected claims of this class have been satisfied by the issue of such amounts of scrip as found due in each case.

Virginia military district of Ohio.—No change whatever has occurred in the condition of the entries and surveys in said district for the past year. It is expected that Congressional legislation will be had at an early day in relation thereto, providing for the survey of all outstanding entries made in said district, and for the satisfaction by patent of these and all other surveys therein, and disposing of all questions involved in the claim of the "Ohio Agricultural and Mechanical College" affecting said lands under the act of Congress of February 18, 1871, by which, upon certain conditions specified therein, all the unsurveyed and unsold lands in said district were ceded to the State of Ohio, and to which the said college succeeded by State legislation.

Since the preparation of my last report the number of clerks in this division engaged upon the work of writing and engrossing patents has been greatly reduced for the want of a sufficient appropriation to pay them.

For this reason the office has lost the services of many experienced clerks, and in consequence this branch of the work has fallen greatly in arrears. This is very unfortunate for the settlers who struggle with poverty and the many hardships incident to frontier life, and, after fulfilling the conditions imposed by the pre-emption, homestead, and other laws as to residence and cultivation, make their proof, and pay their money in the former case, whereby they become entitled to their patents, and the office should be enabled to prepare them without delay. The loss of a team by accident, the destruction of crops from any cause, floods this office with urgent appeals for the deed, that money may be raised with which to repair the accident or subsist the settler and his family until the new crop can be made available. Without the *patent* the settler is helpless in this emergency.

There are at this date over *ten thousand cases* on hand for patenting as soon as reached in regular order, which with the record in each case makes double the above number to write.

With the present force, it will take at least fourteen months to dispose of the work now on hand, and with the current cases coming from the hands of the bookkeepers the end can never be reached without an increase of the force engaged upon the work.

When patents are ready for delivery, they will in all cases be transmitted to the local office where the location or entry was made, and where they can be obtained by the party entitled thereto, upon surrender of the duplicate receipt, or certificate, as the case may be, unless the duplicate shall have been previously filed in this office with a request that the patent be delivered as desired by the person sending the same, and in no case will the patent be delivered either from this or the local office, except upon receipt of such duplicate, or, in case of its loss from any cause, upon the filing in lieu of the same of an affidavit made by the present *bona fide* owner of the land, accounting for the loss of the same, and also showing ownership of the tracts, or a portion thereof embraced in the patent. In case the duplicate has been duly assigned by the locator by a valid transfer in accordance with the laws governing transfers of realty in the State where the land is situated, such assignment will be recognized by this office and patent issued accordingly, provided the duplicate with the assignment thereon shall be filed in this office prior to the issuing of patent; but in no case will a patent be canceled for the purpose of making a reissue in the name of the assignee, where such assignment is not in possession of the office prior to date of the patent.

Transfers of this kind must in all cases be strictly in accordance with the law of the place, and if the assignor be a married man, and the statute requires the wife to join in the deed, it must be complied with, and in case of failure in this or other vital point the patent will follow strictly the recitals of the certificate and issue only in the name of the original purchaser.

The large accumulation of undelivered patents remaining on file in this office is being but slowly reduced under all the efforts put forth to place them in the hands of the patentees or the present owners of the land embraced therein, and I would again urge the necessity of an appropriation sufficient to complete the lists of the same, already well advanced before work was stopped, to be furnished the proper county officers, in the older States, with a view of bringing to the knowledge of parties in interest the fact that such patents remain in this office, and how they can be obtained.

The 7,000 volumes of patent records and 15,000,000 of certificates upon which patents are founded, and which form the groundwork of the title from the government in all cases, are properly cared for, and systematically arranged in cases and files where any book or paper of all this accumulation can be referred to at a moment's notice.

Attention is again called to the increasing demand upon the office, largely from this division, for certified copies from the records and papers, often causing great interruption of the current work, and it is urged that by proper legislation the money received for such copies, which is now by law turned into the United States Treasury, may be retained in this office for the purpose of employing a clerical force to perform such work.

TIMBER LANDS—TIMBER DEPREDATIONS.

In my annual report to you of last year, a brief statement was presented of the efforts that had been made, under the plan approved by the department, for the protection of timber growing upon the public lands, and in compliance with the rules and regulations of the department under the provisions of the several acts passed at the second session of the Forty-fifth Congress.

Since then there has been no further legislative action taken by Congress towards the suppression of timber depredations on the public lands, save as follows: In act of March 3, 1879, "To meet expenses of protecting timber on the public lands, forty thousand dollars, to be made available immediately." (Statutes, third session Forty-fifth Congress, p. 392.) Under this appropriation investigations of public timber trespass have been made, and efforts have been continued to suppress the depredations yet extensive, and which the interests of the government and of the people settling and residing in the region of the public timbered lands require should be still pursued with unremitting earnestness and vigor.

Special agents have been detailed to investigate trespass and collect testimony in the various public land States and Territories, and they have been transferred from one field to another as circumstances indicated they could best serve the public interests. They are now assigned to duty as follows:

In Alabama, one; California, one; Colorado, one; New Mexico, one; Florida, one; Louisiana, one; Michigan, one; Mississippi, one; Oregon, one; Minnesota and Wisconsin, four; Washington Territory, one; Wyoming Territory, one, the latter agent operating along the line of the Utah and Pacific Railroad.

Reports received from the agents, and from the registers and receivers, show somewhat of the great extent to which timber depredations have been and are still being committed, and the results attending the efforts which have been exerted towards suppressing the same.

In Alabama the suit instituted against the owners of a mill in Butler County, referred to in my last annual report, has been dismissed, said mill owners having made payment of \$4,024.11 in settlement of the trespass, and the amount having been covered into the United States Treasury.

Two agents have been operating in Alabama during the past fiscal year, and have reported many names of trespassers upon the public lands in that State, but many of these persons were employés of mill owners and timber speculators. Several iron and furnace companies have been committing extensive depredations upon public lands entered under the homestead law for the purpose of removing the timber therefrom, and not for improvement and cultivation. The timber taken from these lands was mostly burned into charcoal for use in the furnaces. These cases are now being thoroughly investigated, and civil and criminal proceedings are being instituted.

Trespass, covering several thousand acres of public land, by boxing the trees thereon for turpentine purposes, has been reported, and civil and criminal suits have been instituted against the parties.

Besides a number of persons arrested for trespass upon public timber and bound over to appear at the next term of the United States circuit court, fifteen persons have been tried for timber trespass, convicted, and sentenced to imprisonment for from ten to thirty days, with costs.

Several parties have been reported as operating along the line of the Mobile and Girard Railroad, stripping the land of its timber under cover of title from the railroad company and deeds by tax collector; these facts were duly reported to the governor of Alabama.

One thousand seven hundred and fifty logs taken from government lands were seized by writs of detinue and disposed of at marshal's sale for the sum of \$1,379.50.

Several propositions for compromise have been received, but no definite action has yet been taken.

In Arkansas the annual loss to the government by the destruction of valuable timber has been estimated at not less than \$500,000. The special agent has been circumscribed in his action by yellow fever and quarantine. Several names of trespassers have been reported by the agent; suits have been instituted against a number of persons held to bail for their appearance at the next term of the United States circuit court. Three parties plead guilty and were sentenced to fine and imprisonment. Many of the trespasses in this State are committed upon lands entered under the homestead law, the parties making entry evidently with no intention of complying with the requirements of said law, but for the sole purpose of denuding the land of its timber.

In California six parties who were indicted for trespass upon public timber lands have been relieved from further prosecution and liability therefor by paying into the court the sum of \$9,900, under the provisions of the act of Congress approved June 3, 1878.

In Colorado, under the operation of the act of Congress approved June 3, 1878, "authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," large quantities of timber are reported taken from the public lands, whether unlawfully or not can only be determined by test cases, which will involve a construction of the scope of said act by the judiciary.

In Dakota trespass cases have been reported involving about 2,650,000 feet of timber. A few persons have been tried, found guilty, and fined. The course taken by the department toward suppressing timber depredations, except in some few localities, seems to be generally approved in the Territory.

In Florida the cases mentioned in my last annual report are still pending in the United States court. Many new cases of trespass have been reported, involving 62,650,000 feet of timber. Suits have been instituted, in which bonds have been given amounting to \$63,400, and the cases continued until the next term of court.

Most of the trespasses in this State are directly or indirectly committed by a few leading mill owners and log speculators, and partly upon lands entered under the homestead law by their employes, for whom they pay the entry fees and other incidental expenses. Some difficulty in procuring evidence and bringing suit in certain cases has arisen from the residence of the trespasser being in Florida, while the public timber lands trespassed upon are in Alabama, whence the logs are rafted to the mills in Florida, and there manufactured into lumber.

The agents report the boxing of trees for turpentine under contract with certain turpentine distillers. The amount of public land thus trespassed upon is estimated to be 13,160 acres, and the damage to the same to amount to \$13,160. Suits have been instituted and are still pending against parties so trespassing.

In Idaho the registers and receivers report a number of arrests for cutting railroad ties, and in two instances judgment has been rendered for the government to the amount of more than \$13,000.

In Louisiana the past efforts of the special agents in suppressing timber depredations have had the effect of greatly diminishing the unlawful cutting of public timber in those districts under their charge. A majority of the prominent citizens and mill men in Calcasieu Parish have publicly expressed a strong desire for the suppression of such depredations. For the preservation of the lumber interests and the credit and good name of the inhabitants, they have openly pledged themselves to discountenance and discourage by every means in their power the unlawful cutting of timber on government lands.

The last suit pending in the United States court was settled April 14, 1879, and \$20,000 was covered into the United States Treasury on account of timber depredations. Considerable timber taken from lands entered under the homestead law in the vicinity of the Sabine River and sold to the Louisiana Western Railroad Company has been reported. The efforts of the agent are inducing entries of lands. A number of small lots of logs cut from lands fraudulently entered under the homestead law have been found here and there in the vicinity of the Sabine River.

In Michigan several cases of timber trespass have been reported, amounting to 19,111,946 feet. One person pleaded guilty to unlawfully taking 50,000 feet of timber from government land, and was fined the sum of \$300 by the United States district court.

Information has been received stating that Canadians are crossing the national boundary, and lumbering extensively on the government lands in the Marquette district and on the shores along Lake Huron. Several cases of heavy depredations on the public timber are now being investigated by our agent.

In Minnesota the efforts of the government have been directed toward the investigation of timber trespasses committed several years ago, some of which have been settled without litigation by the payment of

stumpage to the amount of \$2,634.87, which amount has been covered into the Treasury. Many cases of old trespass, involving a large amount of timber, are still pending in the United States court. Seven cases of recent trespass reported by the agents, to the amount of 336,792 feet of timber, are being adjusted.

It has been reported that trespass to the extent of 15,000,000 feet of timber has been committed upon the unsurveyed public lands located with half breed scrip, the trespassers not having first complied with the conditions of the law in regard to locating such scrip.

Extensive trespassing has been reported along our northern national boundary line, where large quantities of lumber and a great number of railroad ties for the use of the Canadian Pacific Railroad Company have been taken and shipped across the line into Manitoba. How to arrest it is a grave question, in view of the great distance of the localities from the United States courts.

In Mississippi it has been found, from observations made by United States deputy surveyors in their connection with efforts made to suppress timber depredations, that in the southern part of the State, wherever it was found profitable to cut and remove government timber, it has been universally done. For more than twenty years the work of spoliation has been carried on, until now there is not a stream in the State emptying into the Gulf of Mexico and large enough for floating logs the banks of which have not been denuded of all their valuable pine timber.

The operations of the agent have been seriously interrupted by the prevalence of yellow fever and the establishing of quarantine. The State laws are such that it is extremely difficult to secure evidence necessary to the successful prosecution of trespass cases.

Ninety-seven thousand one hundred and sixteen logs are reported as unlawfully cut from public lands on the banks of the Hobolochitto, Red, and Black Creeks, and suits have been instituted for the recovery of the value of the timber and the punishment of the trespassers.

Report is made of trespass covering a large acreage of public timber lands by boxing the trees thereon for turpentine purposes.

In Missouri extensive timber trespassing in Camden County and along the whole region of the Osage River has been reported, and will be investigated at an early day. It is estimated that last year 500,000 railroad ties were cut and rafted through the Osage River, a large proportion of which were cut from government lands pre-empted for the sole purpose of obtaining the timber thereon.

In Oregon civil actions for timber trespass are pending in the courts, and one to the amount of \$10,500.

In Washington Territory extensive depredations upon the public timber are reported, and the agent is actively engaged in a thorough investigation preparatory to instituting suits. In cases where suits have been instituted judgment has been rendered in favor of the government to the amount of \$2,951.50. Stumpage to the amount of \$543.48 has been paid to the government.

In Wyoming and Utah, as well as Colorado, the manufacture of ties obtained from government lands and the sale of them to the Union Pacific and other railroad companies has become a great monopoly, one contracting party alone having cut and delivered thousands of railroad ties so obtained, from which they have realized vast sums of money. Numerous parties have had recourse to the unsurveyed public lands bordering on the tributaries of the North Platte River, and from the public lands in the one region bordering on the French and Brush Creeks no less than

1,000,000 railroad cross-ties have been taken. The sum of \$20,267.19 has been paid into the United States Treasury in settlement for 810,687 railroad ties unlawfully taken from the public lands. Mill owners and charcoal companies in Wyoming have been reported as trespassing heavily on the public timber, and one very extensive lumber and charcoal company is reported as having cut during the last season more than 1,000 000 feet of timber and consumed nearly 80,000 cords of wood in the manufacture of charcoal, much of which timber was obtained from the government lands. In one small section of this Territory the United States deputy surveyor reports 200,000 cords of wood, 1,000,000 feet of saw logs, 40,000 fence poles, and 80,000 cross-ties as having been taken within a few years.

One suit pending at the last term of the United States court in Wyoming has been settled by the department, and none have since been instituted.

Parties seem disposed to cease trespassing where there is a probability of detection; otherwise it would be carried on as extensively as ever.

In Utah the cutting of public timber is carried on to a large extent, but mostly for domestic and mining purposes.*

From Wisconsin letters were received early in the past fiscal year, stating that public timber trespassers were becoming so numerous that honest lumbermen could not compete with them, and that the evasion of the homestead law for the purpose of securing a color of title under which timber is taken was the worst feature they had to contend with, as nine-tenths of the homestead entries were made for the purpose of stripping the land of its timber.

In view of these facts, special attention has been paid to timber trespass in this State. Many new cases of trespass have been reported, involving 13,257,624 feet of logs, 767 cords of wood, 1,100 railroad ties, and 50 cords of tan bark; 2,156,319 feet of logs and 262 cords of wood have been delivered to the special agents on demand.

A large number of persons have been indicted, and many suits are now pending in the courts. The sum of \$3,363.08 has been covered into the United States Treasury on account of timber depredations.

In all cases where the agents could trace the logs cut by any trespasser upon the public lands into the possession of any mill company or lumber speculator, they have notified said company or speculator that the government would hold them responsible for the logs, or the value thereof, until the cases against the trespassers should be legally disposed of.

Reports from the agents and others show that while trespassing upon public timber lands in this State has been extensively carried on for a number of years past, the material has changed hands so often, and the trespasses committed so long ago, it would be very difficult to prove any cases now. Even in trespass cases of later years it is very difficult to collect sufficient evidence, as many of the saw-mill owners are, or have been, connected with the trespassers upon public timber lands, and have agreed among themselves not to disclose any thing

*Much complaint is made, however, of the cutting of small timber less than eight inches in diameter, contrary to the departmental regulations made for the purpose of observing the enactments of the law for the protection of the undergrowth of timber, as set forth in act of June 3, 1878. Such timber is found very convenient for use in timbering the mines, and is used apparently by general consent; but if the present destruction of the small timber continues, it is feared that a great portion of the country will be denuded of its undergrowth within two years. The mine owner who contracts for the timber should be prosecuted rather than the man who cuts the timber for him.

and information has been received that the woods have in several places been set on fire in order to destroy evidence.

Four special agents are endeavoring to obtain testimony sufficient to sustain the suits now pending, and are collecting evidence of new trespass cases for the purpose of instituting suits. There is no difficulty in ascertaining the fact that large quantities of timber have been unlawfully cut from public lands, as the agents report that at least 105,000,000 feet of logs are now collected in booms in the Wisconsin River; but it is difficult to ascertain when and by whom they were cut, and just what portion of them were unlawfully taken from public lands.

In the turpentine orchards of Florida, Alabama, and Mississippi much injury results to the public timber by reason of frequent fires, which either kill the trees or burn them so badly around the boxes that in a high wind they readily break and fall. After the yield of turpentine has become exhausted cattle owners sometimes spread fire *ad libitum* over the forests, and in one such instance by the raging of the fire for a single night more than a million pine stumps remained from what had been so many valuable pine trees before being boxed for turpentine purposes, no less than half of which were on government lands.

Reports have been received of wanton destruction by fire in the public timber forests on the mountain slopes of Utah. In one case 10,000 acres on unsurveyed land were thus destroyed. In the broken sections of country where there is much fallen timber and no water, it is difficult to stay the progress of these fires. There are many theories as to their origin, some stating that they spread from campers' fires, and others asserting that proof can be adduced that they are the work of men using large quantities of fence poles, who deliberately set fires in the best groves in order to deaden the timber and make it light and easy to haul away. If the fires are often repeated the result will be serious in its climatic influences, and especially will the snows, which now often lie till August, become melted in June, and so destroy the value of the mountain streams, thus swollen, for irrigating purposes.

The powers of the department are so enfeebled by the limited appropriations for detecting and punishing timber trespassers that but a tithe of the plunder and destruction of the timber on the public domain can be arrested. There is great necessity for more prompt and vigorous action than the government has heretofore taken for the protection of its interests.

The work during the past fiscal year of the special division of this office having charge of the business arising under the efforts of the department to investigate and suppress timber depredations is thus stated:

Letters received.....	1, 229
Letters written.....	735
Covering pages in letter record.....	553

PRIVATE LAND CLAIMS.

In addition to the survey, sale, or other disposal of the public lands, the business of this office includes the work of segregating therefrom by the proper surveys numerous private claims arising under grants of various kinds from foreign powers which exercised sovereignty over portions of the country before they came under the jurisdiction of the United States, and of transferring the title to the claimants, pursuant to laws providing therefor. All matters of this kind, with others partaking in some measure of the same character, are placed under the supervision of a distinct division of this office.

During the last fiscal year, which ended June 30, 1879, the work done in that division was as follows, viz :

California private land claims patented	15
New Mexico and Colorado private land claims patented.....	2
Oregon and Washington Territory donation land claims patented	224
Louisiana, Mississippi, Florida, Indiana, and Michigan private land claims patented	92
Indian claims patented.....	4
Final approvals of entries made with certificates of location, act June 22, 1860, and supplemental legislation.....	49
Cases in Louisiana and Florida for which scrip has issued.....	13
Number of New Mexico and Colorado private land claims reported to Congress..	3
Claims patented under special acts of Congress.....	5
Number of claims satisfied by scrip under special acts of Congress.....	1
Total	408

The above statement has reference only to such cases as have been *finally* settled.

Preliminary examinations have been made in a large number of cases, some of which have been passed for patent, while others have been suspended on account of imperfections, and are now subjects of correspondence. A number of cases have been decided, and are now on appeal or awaiting the expiration of the time within which appeal may be taken, or, having been decided on appeal, are now awaiting the execution of the decision by the proper officers.

In addition to the foregoing, there have also been examined, approved, and recorded the assignments of 112 certificates of location under the various acts of Congress, principally the act of June 22, 1860.

The total number of letters received in this division of the office during the fiscal year was 1,329, and the total number of letters written was 1,132, covering 1,636 pages of record.

The following statement is submitted with regard to the condition of the work in the same division at the beginning of the current fiscal year :

Number of California claims docketed and not finally adjudicated.....	37
Number of confirmed New Mexico and Colorado private land claims reported and not finally adjudicated	35
Number of New Mexico and Arizona donations reported and not finally adjudicated	16
Number of Oregon and Washington Territory donations reported but not finally settled	482
Number of scrip cases reported under act June 2, 1858, and awaiting action.....	93
Number of scrip cases under act June 22, 1860, and supplemental legislation, awaiting action	1
Number of claims reported under act June 22, 1860, and supplemental legislation, to be reported to Congress by this office	29
Number of Florida, Louisiana, Mississippi, Michigan, and Indiana cases awaiting action	24
Claims within limits of Las Animas grant in Colorado not adjudicated.....	10
Total	727

It would be impossible, without a long and tedious examination of the files, containing many thousand cases both patented and unpatented, to approximate with any degree of certainty the number of claims not patented, and for which patent certificates and special plats of survey are on file here, in the States of Alabama, Mississippi, Louisiana, Arkansas, Florida, Missouri, Illinois, Indiana, and Michigan.

The claims are disposed of as called up by the parties in interest, or their duly authorized attorneys—*e. g.*, an application being made for a patent in a specific case, an examination is first made of the files, of which there are alphabetical indexes showing the name of the con-

firmee, and if the necessary papers are found constituting the basis of patent, they are examined to ascertain that the confirmation is properly set forth therein, which fact must also be carefully inquired into from our own records; that the claim is correctly surveyed, and, generally, that the papers are in all respects correct; then, if the examination results satisfactorily, the patent is issued; while, on the other hand, if the papers are not found the party is so advised, and that such papers must be filed before action is taken here.

The foregoing statement has reference merely to such cases as are pending upon applications for patents.

The claims, aggregating many thousands in the above-mentioned States, which have been reported by the various boards of commissioners, and confirmed by Congress from time to time, might be properly termed cases in this office for action, although in numerous instances the papers constituting the bases of patents are not on file here.

The reports are here, however, and as this office is repeatedly called upon to furnish information upon questions of title, they furnish ample facilities for that purpose.

I give decisions and instructions as follows, having reference to private land claims:

Rancho Laguna de las Palas Coloradas.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 13, 1878.

SIR: I have had under consideration the official survey of the rancho "Laguna de las Palas Coloradas," the heirs and representatives of Joaquin Moraga and Juan Bernal, both deceased, confirmees, executed by United States Deputy Surveyor H. F. Boardman in 1875, and approved by you on the 20th of December, 1877.

It appears that on the 20th of August, 1835, Joaquin Moraga and Juan Bernal petitioned the superior political chief of the department of California, in renewal of a former application, for a grant of the place named "Laguna de las Palas Coloradas, in the jurisdiction of San Francisco," without further description except reference to the *diseño* annexed, and after the usual reference and consequent proceedings, a preliminary grant of said Laguna de las Palas Coloradas was made to the petitioners by José Castro, political chief *ad interim*, October 10, 1835, and duly referred to and approved by the territorial deputation, and on the 10th day of August, 1841, a final and formal grant of the land solicited was made by Governor Alvarado, in which the land granted was described (as translated) as follows:

"The place known by the name of the Laguna de las Palas Coloradas (Lagoon of the Redwoods), bounded at the north by the Arroyo de San Pablo (San Pablo Creek), a straight line to the east including an *ojo de agua* (spring of water), which lies contiguous to the *corral antiguo*; at the south by the establishment of San José; at the west by the *sierra* (mountain ridge) up to the top; and at the east by the Cuchilla de las Trampas"; with the condition, among others appended, that "the tract of land of which mention is made is of *three sitios de ganado mayor*, a little more or less, as explained by the sketch which runs with the expediente. The judge giving the possession shall cause it to be measured according to ordinance, the surplus thereof to be left to the proper use of the nation."

It does not appear from the record that juridical possession of the grant was ever delivered to the grantees; but it seems that an early controversy arose as to the northern boundary between Moraga, one of the grantees, and Candelario Valencia, grantee of the contiguous rancho Acalanes, and that the same was adjusted by an agreement entered into before Governor Micheltorena, which (as translated) provided that the line between them should be as follows:

"That from the water full of a spring of water (*verciente de un ojo de agua*) counting three hundred varas towards the west with direction to the rise of the Arroyo de San Pablo the boundary of San Valencia's land and that of Mr. Moraga shall begin, leaving a hundred varas square of land to the former in that which belongs to the latter for the purpose of cultivating the same; and besides, a dam shall be formed in the said spring so that each of them may equally have the use of the water."

This agreement is without date, but was entered upon the respective grants of the contending parties, signed by Governor Micheltorena, and attested by Manuel Jimeno, secretary of state.

The grant in question was confirmed by the board of land commissioners for settling private land claims in California to Joaquin Moraga and the widow and heirs of Juan Bernal, by decree bearing date January 23, 1855; said decree, on appeal, was, on the 24th of March, 1856, affirmed by the United States district court for the northern district of California. The heirs and representatives of Moraga and Bernal, deceased, were substituted by decree of October 20, 1862.

Both of these decrees confirm to the claimants the land granted according to the boundaries set forth in the grant, containing three leagues, more or less, and refer for a more particular description to the original grant and map contained in the expediente filed in the case, and the decree of said district court adds to the aforesaid description the proviso "that the said lines be in conformity with the agreement between Joaquin Moraga and Candelario Valencia, a copy of which is attached to the original title on file in the case."

On the 8th of April, 1858, upon notice from the Attorney General of the United States that an appeal from the aforesaid district court would not be prosecuted, a final order was made by the court that the claimant shall be allowed to proceed under the aforesaid decree of confirmation as under final decree.

On the 18th of May, 1858, instructions were issued by Surveyor General Mandeville to John La Croze to survey the claim under consideration in strict conformity to the aforesaid final decree of confirmation.

It is alleged by Messrs. Mullan and Hyde, counsel for settlers, that in compliance with said instructions La Croze executed a survey of the claim in question, and that the same was fully returned to and approved by your office, but there is no evidence of this fact in the record.

On the 29th of August, 1859, on motion of attorney for claimants, the United States district court ordered the survey of the Laguna de las Palas Coloradas to be returned into court. It appears on page 9, Ex. U. S.A., No. 1, that said order was "vacated by subsequent order. See district court book." Said order or a copy thereof is not among the papers in this case.

It appears from the record that the first official survey in the case was that made by John La Croze, bearing date September, 1860, and approved by Surveyor General Mandeville November 19, 1860. A notice of the approval of the plat of said survey was published the statutory period during the months of November and December, 1860, as required by the act of June 14, 1860.

This survey having been objected to, and based upon the petition of Magee and Courtée, claimants of an undivided interest in the rancho, the court on 3d of December, 1860, ordered the return of the plat thereof into the district court for the northern district of California.

Upon the objections to said survey that "first, it does not embrace all of the land within the exterior boundaries of the grant"; and "second, that if this be disallowed the three leagues granted should be located within the exterior limits at the election of the grantees, or those entitled to represent them," the court rendered its opinion, holding that the claimants were entitled under their decree of confirmation on title to three leagues of land and no more, said quantity *to be selected* by them anywhere within the exterior limits of the grant. In this opinion the patented survey of the Acalanes grant, which the court found to be situated partly within the limits of the grant in question, was fully discussed, and it was held that it did not bar the claimants of the Moraga grant from selecting lands embraced within the patented limits of said survey.

This opinion was followed by a stipulation filed in court May 15, 1871, between the claimants and intervenors in the Moraga case, and Elam Brown the then owner of the Acalanes grant, to the effect that the final survey in this case shall not embrace any of the lands included in the final survey and patent of the said Acalanes grant.

An order was thereupon made by the district court on the 15th of May, 1871, modifying its former opinion or decision in the case so as to give effect to said stipulation, and also providing that the claimants and intervenors might thereafter apply for further modifications of said decision as they might be advised. By decree bearing date the 29th day of July, 1874, said district court disapproved and rejected said survey and directed a new one to be made in the manner particularly set forth in its decree of rejection, which will be fully referred to in connection with the boundaries located by the new survey.

On the 4th of December, 1874, the circuit court of the United States affirmed the aforesaid decree of the district court.

Pursuant to the foregoing proceedings in court on survey, and in accordance with instructions from your office dated February 3, 1875, Deputy Surveyor W. F. Boardman made a new survey of the claim under consideration, which was approved by you December 20, 1877. Notice of said survey was published in the months of December, 1875, and January, 1876, in supposed conformity with the provisions of the act of July 1, 1864.

The following objections to said survey were interposed on the part of the United States and filed in your office on the 28th of March, 1876, to wit:

"First. Because the survey made by United States Deputy Surveyor John La Croze, and which was approved and published under the act of June 14, 1860, was and is final.

"Second. Because said Boardman survey does not conform to the decision of said United States circuit court in this, that it embraces lands lying north of the northerly line of said rancho and east of the easterly line thereof as fixed and determined in said decision, and it embraces two separate tracts, not connected and not constituting one compact body.

"Third. That said Boardman survey includes in said rancho lands excluded therefrom by the said final survey of United States Deputy Surveyor John La Croze, approved under the act of 1860, and which lands in excess were abandoned by the claimants of said rancho and by them relinquished to the United States."

The Central Pacific Railroad Company, claiming to own the odd sections of all the lands included in said survey, and sundry other parties, settlers upon lands lying upon the eastern, western, and northern borders of said surveyed tract and included within said survey, also filed objections thereto.

The several grounds of said objections are substantially the same as those filed by the United States as aforesaid, except that they make the same objection to the western as is therein taken to the northern and eastern boundaries.

At the hearing before your office, which commenced on the 19th of April, 1876, a large mass of testimony was adduced in support of and against the correctness of the survey in question. By stipulation between the claimants and protestants the case was closed and submitted on the 3rd of April, 1877.

On the 24th of September, 1877, pending the decision of your office on the survey, Messrs. Mullan and Hyde, substitute counsel for the settlers, protested against any decision in the case being made, and applied to have the case reopened for a further hearing and to give them an opportunity to produce additional testimony; said application was based upon alleged newly-discovered testimony and certain irregularities in the case; the effect of which, they claimed, if proven, would be to vitiate the subsequent proceedings in the case. This application was denied by your office and the case regularly transmitted to this office, with your opinion, dated September 25, 1877, approving the Boardman survey, and supplemental report, stating your reasons for denying the aforesaid application for a rehearing.

Under date of October 17, 1877, Messrs. Mullan and Hyde applied to this office to have the papers returned to your office and a rehearing granted, based upon substantially the same grounds as those set forth in their previous application to you. After full consideration their application was denied on the 19th of November, 1877, for the reasons and upon the grounds set forth in my letter to you of that date. They were permitted, however, to produce and have forwarded to this office for consideration in the case, when taken up on its merits, the newly-discovered evidence alleged by them.

In pursuance of the permission granted, as abovestated, the only evidence produced by Messrs. Mullan and Hyde not already in the case and prominently brought forward and referred to during the progress of the hearing before your office, is a certified copy of the plat of the alleged first La Croze survey.

It appears upon the face of the certified copy of this plat that it, or the survey upon which the original from which it is taken was based, was made by John La Croze in July, 1859; and, further, that the original from which it was taken was not approved by your office. In other words, it proves exactly the reverse of that which is claimed for it.

The certificate thereon of the surveyor general bears date October 21, 1859. The words which formed a part of the original certificate, as it was prepared for signature, "the location of which has been approved by me," have a pen line drawn through them; evidently stricken out by the surveyor general when he signed the certificates. And again, if the original plat had been approved by the surveyor general, a copy of the approval would appear on the face of the copy, independent of the certificate that the tracing is a true copy of the original plat.

John La Croze, in his affidavit annexed to the aforesaid application for a rehearing of Messrs. Mullan and Hyde, swears that according to his best recollection and belief the surveyor general approved his alleged first survey. According to his testimony in the case before your office he has an impression that said survey was approved; upon being shown his field notes thereof he was unable to determine whether his impression was correct or not, but he recollected that the surveyor general directed him to so modify his survey as to make the Las Trampas Creek form a portion of the eastern boundary; that he did so, and that his amended survey was the one that was subsequently published and ordered into court.

This is the evidence in brief relied upon by counsel for contestants to vitiate the proceedings had in court upon survey in this case.

On the other hand, Mr. C. Bielawski, by whom Messrs. Mullan and Hyde, as stated in their aforesaid application proposed to prove that the first La Croze survey was ap-

proved in an affidavit dated 30th November, 1877, swears that he has been employed as draughtsman for twenty years last past in your office; that in 1858 or 1859 he was employed by John La Croze to make him a map of survey of the claim under consideration, and that said map, when finished, was taken away by the said John La Croze and never returned or filed in the surveyor general's office.

Both this affidavit and that of La Croze were imported into the case after it was forwarded to this office, and I have referred to that of Bielawski more particularly to show the reason why the alleged plat of the first survey cannot be reproduced.

As a question of fact, the contestants have failed to prove that there was an official survey of the claim under consideration previous to that approved November 19, 1860, by the surveyor general, and returned into court in December of the same year.

As a question of law, it may be held that the jurisdictional fact, which in this case was the approval by the surveyor general and publication of the plat subsequent to the passage of the act of June 14, 1860, appearing affirmatively upon the face of the record of the proceedings in court upon survey, the decree of the court is final and conclusive upon this and all the other facts adjudicated by it, and that this office has no jurisdiction to entertain the points raised against the finality of the judicial proceedings on survey in this case.

The objections to the Boardman survey that it is not properly before this office for adjudication, and that the La Croze survey should be substituted therefor, and that the same became final under the act of 1860, are overruled.

The next question arising for consideration is the status of the respective parties who appear in this case as objectors to the Boardman survey.

The proviso of the second section of the act of July 1, 1864, provides that where the proceedings for the correction or confirmation of a survey are pending on the passage of this act in one of the district courts, it shall be lawful for such district court to proceed and complete its examination and determination of the matter, and its decree thereon shall be subject to appeal to the circuit court of the United States and, by the third section of said act, that on appeal the said circuit court shall have power to affirm, reverse, or modify the action of the district court, or order the case back to the surveyor general for a new survey; that, when the case is ordered back for a new survey, *the subsequent survey of the surveyor general shall be under the supervision of the Commissioner of the General Land Office.*

This case was pending in court on survey at the date of the passage of the aforesaid act of 1864. The district court rendered a decree rejecting the survey and directing a new one to be made, and said decree on appeal was affirmed by the circuit court. The court thus exhausted its jurisdiction under this act when it made its final decree rejecting the survey and directing another to be made. But it does not follow that the adjudication of the new survey is to be a new and original proceeding before this office. The law simply contemplates that the case shall be taken up by this office where left off by the court. It does not contemplate that the new survey shall be published. The original survey in this case was published under the act of 1860. The case, therefore, comes within exceptions or saving provisions of the act continuing the jurisdiction of the courts until they complete their examination. The only thing remaining to be done by this office, after the case leaves the court, is to determine whether the new survey conforms to the decree of the court directing a new one to be made.

It appears from the record of the proceedings had in court on survey that pursuant to a monition of the court, entered of record on the 3d day of December, 1860, a notice citing all parties having or claiming to have an interest in the location and survey of the land confirmed to Moraga et al. to appear for the protection of their interests was duly published in December, 1860, in the San Francisco Herald and the Contra Costa Gazette; that pursuant to said citation the United States attorney appeared for the United States; E. A. Lawrence for the claimants and Lucy R. Jones and W. P. Agard; H. W. Carpenter for the owners of the Sobrante lands and Moraga claimants; T. A. Brown for Elam Brown, and A. P. Crittenden for himself; that on 2d day of January, 1861, upon the return of the marshal upon the aforesaid monition, the appearance of the above-named parties was duly entered, and default entered against all others who had failed to appear.

It will thus be observed that the only parties to the original proceedings in court upon the questions of location and survey in this case who appeared before your office are the claimants, by their attorney, and the United States, represented by the United States attorney, and that under the provisions of the acts of June 14, 1860, and July 1, 1864, all the other parties who appeared before your office, and are now before this office as objectors, are and must be regarded as strangers to the record, and under the rulings and practice of this office and the department in similar cases can only be recognized as protestants; they are not entitled to a standing in the case as contestants. (Decision of the department, March 24, 1876, in the Boston Quick-silver Mining case; also of September 27, 1877, in case of Sprucemont Mining Company.)

It is not necessary for the purpose of this decision to determine the legality or necessity of the publication of the Boardman survey; but, when published, no persons except those who were parties to the record in the case in the court should have been heard as contestants. All others should have been heard only as friends of the court or protestants, and such must be the rule in all similar cases coming before your office.

BOARDMAN SURVEY.

By this survey the Moraga grant is located in two separate tracts. The first is in the form of an irregular triangle, and has for its general boundaries on the north the Mount Diablo base line, which also forms the southern boundary of the Acalanes grant, and Walnut Creek, the northwest quarter of the northwest quarter of section 32, township 1 north, range 2 west, lies north of the west branch of said creek; on the east the Cuchilla de las Trampas; on the west or southwest by an irregular line drawn from a point on the base line about ten chains above the main branches of the San Pablo Creek southeast to a point in section 32, township 15, range 2 west, 5 chains southeast of the branch of San Leandro Creek, and 30 chains north of the line dividing townships 1 and 2 south, ranges 2 west. The redwood tract, containing 500.18 acres, is located in a separate body southwest of the main tract, being separated from the survey of the main tract by a strip of land ranging from 15 to 40 chains in width. The survey of both tracts embraces an area of 13,316.25 acres.

The district court in its opinion upon the survey say that "the decree of confirmation describes the boundaries of the land in the language of the grant, and it declares its extent to be three square leagues, a little more or less, reference for a more particular description to be had to the original grant and map contained in the *expediente*. The question of construction is thus presented by the decree precisely as it arises on the original papers, and must be determined as if the rights of the claimants under their grant were now, for the first time, to be passed upon.

The court, after thus stating the rule of construction by which it shall be governed, proceeds to set forth and discuss the questions of law and fact raised by the objections to the survey, and closes its opinion in the following words:

"My opinion is that the quantity to be surveyed to the claimants is three square leagues of land, and no more, to be located as follows:

"The 1,000 acres conveyed to Brown to be first surveyed and located, if, or so far as it is within the exterior limits of this grant, the remainder of the three leagues to be located at the election of the claimants within said exterior limits in a compact form and in an entire tract; said exterior limits on the north to be a line drawn from the source of the San Pablo to the outlet or overflows of the spring of water near the Corral Antiguo, the remaining exterior limits to be located substantially as located in the map of H. A. Higly, United States deputy surveyor, but excepting from said survey 100 varas square of land, to be located near the spring, as described in the depositions of Martinez and A. M. Peratta, to which reference is hereby made."

As before stated, this opinion was modified by a subsequent order of the court in accordance with and based upon a stipulation of all parties to the contest, to the effect that the confirmees should not include in their selection any portion of the land embraced within the limits of the Acalanes grant, as finally surveyed and patented. Although the court granted leave to the parties to apply for further modifications of its aforesaid opinion, it does not appear that any further modifications were made.

The decree of the district court rejecting the survey and directing a new one to be made, which on appeal was affirmed by the circuit court, directs a new survey to be made "in a compact form, and in an entire tract so as to contain three square leagues of land and no more; the location thereof to be selected by the claimants within the following exterior boundaries of the grant heretofore confirmed to the claimants herein, to wit:

"On the north by a line drawn from the source of the San Pablo Creek to the outlet or overflowing of the spring of water near the corral Antiguo; on the south by the establishment of San José; on the west by the summit line of the Sierra; on the east by the Cuchilla de las Trampas; provided, however, that the claimants may, at their election, locate the tract of one thousand acres, more or less, known as the 'Redwood tract,' and heretofore sold and conveyed by Joaquin Moraga to Elum Brown, as a separate tract or parcel of land; the said tract to be located within the metes and bounds described in the deed of said Moraga to said Brown; but no part of said tract shall be thus located and surveyed which is not within the said exterior limits of the rancho, as heretofore mentioned and described; and in case the claimants shall elect to make a separate location of the said 'Redwood tract,' as aforesaid, then the remainder of the said land confirmed to the claimants, and to the extent, including said 'Redwood tract,' of three square leagues, and no more, shall be located within the said exterior limits, at the election of the claimants, but in a compact form, and in one entire tract.

"And provided further, that neither of said surveys and locations shall include

lands embraced within the final survey and patent of the Rancho Acalanes, finally confirmed and patented to Elam Brown.

"And provided further, that neither of said surveys shall include a certain tract of land to the extent of one hundred varas square, to be located near the spring as described in the deposition of Martinez and H. M. Peratta, on file in this court, and to which reference is hereby made."

Thus it will be observed the court carried into its decree directing a new survey as descriptive of the true location of the northern boundary of the grant as heretofore confirmed to the claimants the same identical words used for that purpose in its opinion in the case: from the source of the San Pablo Creek to the outlet or overflowing of the spring near the corral Antiguo. For its description of the remaining boundaries of the grant the court in its decree on survey adopts the description of those boundaries, as contained in the decree confirming the title, all of which the court, in its opinion, after carefully considering the whole case, held to be substantially within the limits of the grant as represented on the Higley map, which said map under stipulations entered into by the United States attorney and the respective intervenors, before the court, was admitted and considered in the evidence in the case and as correctly representing the exterior boundaries of the rancho Laguna de las Palas Coloradas; said stipulation was filed in court October 23, 1862, and is among the papers constituting the record in the case before this office.

By reference to said Higley map, it will be seen that the selection of the claimants, as represented by the Boardman survey, is within the exterior limits delineated thereon, with the exception of the southern extremity of the survey, which projects a little beyond the southern line of the Higley map; as there is no dispute in regard to this boundary, and it being conceded by all the parties that the southern boundary of this grant is to the south of the southern extremity of the Boardman survey, and in view of the fact that the decree gives the claimants the exact quantity of three leagues of land to be selected, if not in one place, then in another, and it appearing that the Sobrante claimants, who are the owners of the surrounding lands, have approved of and by their attorney filed their written consent to the approval by this office of the Boardman survey, I shall regard the Boardman survey as being substantially within the remaining exterior limits of the grant as defined by the court, and in this particular in conformity with its opinion and decree.

For the northern boundary the grant calls for the Arroyo de San Pablo, a *straight* line to the east, so as to include the spring of water near the corral Antiguo. The decree of confirmation adopts "the specific description contained in the grant as modified by the agreement between Valencia and Moraga, and refers for further particulars to the original grant and *maps* contained in the expediente."

The specific description contained in both the grant and decree makes the Arroyo San Pablo the northern boundary, so far as it may be found to serve that purpose. From the point on the east where it ceases to be a boundary, to complete the northern boundary, a *straight* line was required to be drawn east so as to include the spring; according to the description the line did not necessarily terminate at the spring, nor near it, unless it should be found that the spring was on or in the immediate vicinity of the eastern boundary, but was to be continued on the same *straight* course beyond it, so as to connect with the object, or a prolongation of the line of the object called for as the eastern boundary: whatever may have been the course and character of the other boundaries, the northern boundary was required to be a *straight* line.

The proceedings in court on survey resulted in an adjustment of this boundary in accordance with the original grant as modified by the subsequent agreement between Valencia and Moraga, as follows: "On the north a line drawn from the source of the San Pablo Creek to the outlet or overflowing of the spring of water near the Corral Antiguo." It will be observed the court does not say a straight line, but simply a line drawn between two natural objects; as to whether this line shall be a straight line or not must, in accordance with the rule announced by the court, be determined from all the facts and circumstances in this case as disclosed by the original title papers and the proceedings had thereon.

The court in its comments upon agreement in connection with the northern boundary say that "the indorsement on the grants (the agreement was indorsed on both Valencia's and Moraga's grants) discloses that from the overflow or outlet of the spring counting three hundred varas towards the west with direction towards the source of the Arroyo de San Pablo the common boundary shall begin, leaving one hundred varas square to Valencia out of Moraga's land.

"The grant, as has been seen, described the northern boundary as the San Pablo Creek, a straight line to the east, so as to include the spring near the Corral Antiguo; the change in the line agreed on, probably, therefore consisted in making it commence at the overflow or outlet of the spring and run towards the source of the San Pablo.

"But even on this hypothesis it is difficult to understand for what purpose 300 varas only were measured along the line, which was more than a league in length, or why it is stated not that the 300 vara line is to be the boundary, but that the boundary should commence after measuring 300 varas from the spring towards the San Pablo."

While the court thus raises the question, it does not appear to have reached any satisfactory solution of it.

It appears quite clear to me, however, that the agreement only affected or modified that portion of the original northern boundary lying between the spring and the terminal point of the line that was measured westward from it; that under this agreement the 300 vara line was run so that the terminal point would intersect the old northern boundary, and the alcalde thereupon declared *that the boundary between Moraga and Valencia* "shall begin at that point; that is, the common boundary westward from that point shall be and remain the same as it existed previous to the dispute and agreement."

The testimony in the case discloses the fact that the San Pablo Creek has eleven distinct sources emptying into and forming the two main branches which are designated as the eastern and western branches, which unite at the point marked on the official plat Hewston's house, about ten chains south of the Mount Diablo base line, and from the main stream which flows in a general course of northwest to the bay. It also appears from the testimony that the western branch of the San Pablo from the junction of the two smaller branches flows almost in a due east course; that this branch is formed by the union of two smaller branches at Buckley's house, one of which has its source north of and the other south of said Buckley's house; that the western branch is the larger branch of the two main branches which unite at Hewston's house near the northwest corner of the present survey.

Mr. Hopkins, who it appears made a personal examination on the ground of the various natural objects called for as boundaries previous to his cross-examination as a witness in the case, testifies that the call in the grant for the northern boundary seemed to him vague and uncertain until he found upon the ground that the Arroyo San Pablo from its head appears to run some distance to the east and west, "so I suppose that the call intended that the line should follow the Arroyo San Pablo as far as its direction was east and west, and that it should continue from that point on an eastern course so as to include the 'Ojo de Agua,' spring of water, which makes it plain; so that the San Pablo, the Arroyo San Pablo, and the east and west line constituted one call, one boundary"; that the west branch is the longest; and he therefore supposes it to be the main branch of the San Pablo, and from its source in the mountains to its junction at Hewston's with the main stream its course is about east and west.

The two diseños in the case, which, for rude pen sketches are remarkably correct as representing the topographical features of the grant, fail to show the course of the San Pablo Creek; the source, however, as represented thereon, would be on a prolongation to the west of the line of the Arroyo Seco, which, upon the various exhibits filed in evidence, appears as the western branch of Walnut Creek. It also appears from these exhibits that if a line should be projected on the same general course of the Arroyo Seco from its source westward, it would strike the main stream of the San Pablo Creek at a point north of the junction of the two main branches. This line would be north of and very nearly parallel with the northern boundary of the Boardman survey.

Messrs. Thompson, Healy, Reynolds, and Boardman, all of whom are, by profession, civil engineers, and have had considerable experience in locating and surveying Mexican grants in California, after an examination in the field of the boundaries of the grant in question, testify to the general conclusion that the Boardman survey is entirely within the exterior boundaries described in the decrees on title and survey.

Construing that portion of the decree of the court relating to the northern boundary in accordance with the rule of construction laid down by the court in this case, I am of the opinion that the specific description contained in the decree on title and that in the decree directing a new survey are in perfect harmony with each other, that the northern boundary of the original grant as adjusted by the court in its decree on survey to conform to the modification thereof by the subsequent agreement between Moraga and Valencia did not disturb or affect that portion of the northern boundary west of the junction of the two main branches of the San Pablo Creek at Hewston's house, and that therefore the true construction and meaning of the words of the decree, "a line drawn from the source of the San Pablo Creek to the outlet or overflowing of the spring" is that this line should not be a straight line, but one commencing at either of the two sources of the western branch of the San Pablo Creek, for the purposes of the decree it does not make any difference which, and run thence along the smaller branch to its junction with the main branch at Buckley's house, and thence continue along the main western branch to its junction with the main stream at Hewston's house, and from this point the line shall run in a straight course to the spring.

The spring referred to is located within the limits of the survey of the Acalanes grant by some of the witnesses, especially Boardman, on the line on the official plat between ranges 2 and 3 west, about an inch north of the second "a" in the word Acalanes, and by Reynolds immediately under the letter "e" in the word Acalanes

as it appears on said plat. A line drawn from the junction of the main branches of the San Pablo Creek to either of those points would cut off about 40 or 45 acres.

In view of the fact that the owners of the Sobranfe or surrounding lands have waived their objections to this encroachment on their grant by filing a written consent to the approval of the Boardman survey, I shall not direct any change to be made in the present survey.

The exception in the decree of the 100,000 varas square falls within the larger exception, and is within the surveyed limits of Acalanes rancho.

The claimants urge as an objection to the survey under consideration that it does not give them the full quantity of land they are entitled to under their decree of confirmation; that the amount included in the present survey ought to be augmented by adding on the east, south, or west of the lines of the present survey, at the election of the confirmees or those claiming under them, within the exterior boundaries of the rancho, sufficient land to make up the quantity to be patented of three square leagues, according to the measurement known to the English common law, which is adopted by the constitution of California as the rule of decision in that State.

This objection and the points made by the claimants in connection therewith are based upon the following grounds:

First. That the confirmation was of an inchoate title granted by the Mexican governor, but when confirmed the title took effect wholly from the decree of confirmation as an American title, and not from any Mexican element that entered into its previous existence (*Dent vs. Emmeger*, 14 Wall., 308); and

Second. That the decree of confirmation having been rendered by a Federal court in a State where the English common law prevails, it must be construed according to the ordinary rules of that law (*Pacheco vs. United States*, 2 Wall., 587, and *Higuera vs. United States*, 5 Wall., 828), and that in the original grant in this case the word "league" is not used; but what has been construed to mean league, "*tres sitios au ganado mayor*," meaning, literally, "three places for large cattle."

That portion of the decree of confirmation upon which the title in this case rests which says that "the land of which confirmation is made is situated within county of Contra Costa, and is known by the name of 'Laguna de las Palas Coloradas,' being the same that was granted to Joaquin Morago and Juan Beneal by Governor Alvarado on the 10th of August, 1841, and which has been claimed by the claimants since that time," in my opinion affords a perfect and complete answer to the objection raised by the counsel for the claimants. The land which was confirmed is *the same*, no more, no less, nor other than that which was granted by the Mexican authorities in 1841, three leagues, as construed by the court, within stated boundaries. The court thus acted upon the grant itself, a Mexican grant, found it to be an inchoate one, but nevertheless a good one, and entitled to confirmation to the extent of the quantity originally granted, three leagues; not American nor English leagues, but Mexican leagues.

This decree of the court so far from divesting the claim of its former or original elements, in express terms retained those elements as a guide for future action in the matter of the location and survey of the land confirmed. I can therefore see no room for any other construction in this case than that inherent in the decree itself.

The Mexican colonization law enacted by the "Sovereign general constituent Congress of United Mexican States," August 18, 1824, provides that no one person shall be allowed to obtain the ownership of more than one league square, of 500 varas of irrigable land (*de regadío*), four superficial ones of land dependent on the seasons (*de temporal*), and six superficial ones for the purpose of rearing cattle (*de abreradero*).

The general rules and regulations issued by the Mexican Government on the 21st of November, 1828, in pursuance of the eleventh article of the aforesaid law of 1824, provide that the governors of the Territories are authorized, in compliance with the said law of 1824, to grant vacant lands in their respective Territories to such contractors, families, or private persons, whether Mexicans or foreigners, who may ask for them for the purpose of cultivating and inhabiting them.

These regulations and the aforesaid Mexican colonization law of August 18, 1824, which constitute the basis of the whole fabric of the Mexican land system, not only prescribe the maximum quantity which may be granted to one person, but also clearly define the extent or contents of the league adopted as the unit of measurement to be 5,000 varas square, equivalent to 4,438.68 acres, and therefore must be accepted as the controlling authority, and conclusive upon the question as to the extent or definition of the term league, when applied to grants, which originated under the Mexican Government subsequent to the enactment of said law.

It may be stated in this connection that for the past twenty years or more in the adjudication of the surveys of confirmed Mexican and Spanish grants in California, both by the courts and the Land Department, the settled rule of construction has been to regard the term league when it appears in the decrees of the board of land commissioners and the United States courts as a unit of measure descriptive of the extent or quantity of land confirmed, as meaning a Mexican league, and equivalent to 4,438.68 acres.

This rule, sanctioned by law and long and uniform usage, was doubtless founded upon a just consideration of the obligations of this government under the treaty of Guadalupe Hidalgo to recognize and protect the rights of owners of imperfect or inchoate grants, as well as those who held their grants by virtue of perfect titles, or in other words to accord to them the same rights under this government they would have had under the former government had it continued in the possession of the territory within which their property is situated; but not to enlarge those rights.

The term league as a unit of measure is unknown to the land system of the United States. It is not known or recognized by the common law, or in any of the States or Territories where the common law prevails as a unit of measure in the measurement or calculation of areas of land surface derived from the English common law; where it is used it is of local application and derivation, and to that extent it has been ingrafted on our land system and applied in the adjudication of the private land claims which originated under the Spanish and Mexican Governments, situated in the territory acquired from those governments.

If the rule of construction contended for by the claimants were to prevail its effect would be to place the imperfect grants at a premium over those which were perfect and complete before the transfer of the territory, which would be anomalous, to say the least.

The objection of claimants is overruled, and the Boardman survey as it now stands, approved by your office as aforesaid on the 20th December, 1877, will be approved and patented.

You will notify all parties in interest of the purport of this decision, and you will also notify Messrs. Mullan and Hyde that as it does not appear from the record that the parties whom they represent were parties to the proceedings in court upon survey, and hence strangers to the record, the only status they have in the case is that of protestants, and therefore are not entitled to an appeal from this decision.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

UNITED STATES SURVEYOR-GENERAL,
San Francisco, Cal.

DEPARTMENT OF THE INTERIOR,
Washington, August 9, 1878.

SIR: I have considered the appeal from your decision of April 13, 1878, in the matter of the official survey of the rancho Laguna de los Palos Colorados, the heirs and representatives of Joaquin Moraga, and Juan Bernal (both deceased), confirmees, executed by United States Deputy Surveyor W. F. Boardman in 1875, and approved by the surveyor-general of California on December 20, 1877.

The facts relative to this grant are very fully and accurately set forth in your decision, and it is only necessary for the purpose of this case to summarize them. It appears that on August 20, 1835, Joaquin Moraga and Juan Bernal petitioned the Mexican authorities for a grant of the place called Laguna de los Palos Colorados (Lagoon of the Redwoods). After the usual proceedings a formal grant of the land was made by Governor Alvarado on August 10, 1841, wherein the tract granted is described as follows, viz: "The place known by the name of Laguna de los Palos Colorados, bounded at the north by the Arroyo de San Pablo, a straight line to the east, including an ojo de agua, which lies contiguous to the corral Antiguo; at the south by the establishment of San José; at the west by the Sierra, up to the top, and on the east by the Cuchilla de las Trampas." A condition was also attached that "the tract of land of which mention is made is of *three sitios de granada mayor*, a little more or a little less, as explained by the sketch which runs with the expediente." Juridical possession was to be given to the grantees in accordance with the requirements of the Mexican laws, and the surplus land was to remain to the nation. No juridical possession was ever given by the Mexican authorities. Some misunderstanding arose between the owners of this ranch and the owner of the "Acalanes" ranch, which forms in part the northern boundary of this ranch, which was settled by Governor Micheltorena by indorsing the limits of the boundaries of said ranches on each grant.

This grant was confirmed by the board of land commissioners on January 23, 1855, and by the United States district court on March 24, 1856. The decree of the district court became final in default of appeal by the United States, on April 8, 1858. This decree confirmed to the claimants three square leagues of land.

A survey of the grant was made by John La Croze in September, 1860, and approved by Surveyor General Mandeville on November 19, 1860, and due notice thereof was given by publication, as required by the act of Congress approved June 14, 1860. Objections were filed by the claimants in the district courts to that survey, and it was accordingly ordered into court. On December 3, 1860, a notice was issued by the court citing all parties interested in the location and survey of said grant to appear and de-

send their respective interests, and this notice was published in the San Francisco Herald and Contra Costa Gazette in the month of December, 1860.

It appears that all parties having an interest in the location of the grant at that time did appear and make themselves parties to the suit, and on January 2, 1861, the court entered a default against those who did not appear.

On October 23, 1862, a stipulation, signed by all parties in interest, was filed in court, by which it was admitted that a survey, executed by Deputy Surveyor H. A. Higley in April, 1855, was a substantially correct representation of the exterior boundaries of this grant. A stipulation was also entered into between the parties in interest, and filed in court on May 15, 1871, to the effect that the confirmees of this grant should not include in their selection any lands embraced within the patented portion of the "Acalanes" grant. On the same date an order was entered by the district court modifying its former decision in the case, so as to give effect to said stipulation. By decree, dated July 29, 1874, the district court rejected the La Croze survey, and directed a new one to be made in the manner therein mentioned. This decree was confirmed by the United States circuit court on December 4, 1874.

The decree of the district court of March 24, 1856, is as follows:

"My opinion is that the quantity to be surveyed to the claimants is three square leagues of land, and no more, to be located as follows: The 1,000 acres conveyed to Brown to be first surveyed and located if, or so far as it is, within the exterior limits of the grant, the remainder of the three leagues to be located at the election of the claimants within said exterior limits in a compact form and in an entire tract; said exterior limits on the north to be a line drawn from the source of the San Pablo to the outlet or overflowing of the spring of water near the corral Antiguo; the remaining exterior limits to be located *substantially as located in the map of H. A. Higley*, United States deputy surveyor, but excepting from said survey 100 varas square of land, to be located near the spring, as described in the description of Martinez and A. M. Peralto, to which reference is hereby made."

The decree of the district court rejecting the La Croze survey, and directing a new one to be made, as affirmed by the circuit court, directs a new survey to be made, "in a compact form, and in an entire tract, so as to contain three square leagues of land and no more; the location thereof to be selected by the claimants within the following exterior boundaries of the grant heretofore confirmed to the claimants herein, to wit, on the north by a line drawn from the source of the San Pablo Creek to the outlet or overflowing of the spring of water near the corral Antiguo; on the south, by the establishment of San José; on the west, by the summit line of the Sierra; on the east, by the Cuchilla de las Trampas; provided, however, that the claimants may, at their election, locate the tract of 1,000 acres, more or less, known as the Redwood tract, and heretofore sold and conveyed by Joaquin Moraga to Elam Brown, as a separate tract, or parcel of land; the said tract to be located within the metes and bounds described in the deed of said Moraga to said Brown, but no part of said tract shall be thus located and surveyed which is not within the said exterior limits of said rancho, as heretofore mentioned and described; and in case the claimants shall elect to make a separate location of the said Redwood tract as aforesaid, then the remainder of the said land confirmed to the claimants, and to the extent, including said Redwood tract, of three leagues and no more, shall be located within the said exterior limits at the election of the claimants, but in a compact form in one entire tract.

"And provided further, that neither of said surveys and locations shall include lands embraced within the final survey and patent of the 'Rancho Acalanes,' finally confirmed and patented to Elam Brown.

"And provided further, that neither of said surveys shall include a certain tract of land to the extent of one hundred varas square, to be located near the spring, as described in the deposition of Martinez and A. M. Peralto, on file in this court, and to which reference is hereby made."

Pursuant to said decree on survey the surveyor general of California caused a survey of said grant to be made by Deputy Surveyor W. F. Boardman in 1875. By this survey the grant is located in two tracts: Tract No. 1 (being the main body of the grant), containing 12,811 $\frac{1}{2}$ acres, and tract No. 2 (being the Redwood tract), containing 505 $\frac{1}{2}$ acres, making a total of 13,316 $\frac{1}{2}$, or $\frac{1}{100}$ acres more than three Mexican leagues of land. Notice of said survey was published in December, 1875, and January, 1876, and numerous objections were filed against the correctness of the same by persons who had settled upon lands within the claimed limits of the grant, whose lands were embraced in the Boardman survey, and by others claiming to have an interest in said lands. A hearing was therefore held before the surveyor general, commencing April 19, 1876, and ending April 3, 1877, for the purpose of giving the protestants an opportunity of presenting their objections to said survey. On December 20, 1877, after full examination of the testimony presented, the surveyor general approved said survey and transmitted the papers to your office.

You held as follows:

1st. That there was no official survey of this grant prior to the one approved by the surveyor general on November 19, 1860, and returned into court December 3, 1860.

2d. That the act of July 1, 1864, does not require a new survey made under decree of the courts, to be published in cases where the first survey has been rejected by the courts, and that the only duties devolving upon your office under the law, in such a case, is to see that the new survey conforms to the decree of the court.

3d. That all persons who were not parties to the proceedings in court to correct the survey of this grant, have no standing in this case except that of protestants, and are not therefore entitled to the right of appeal.

4th. That the Boardman survey is correct.

5th. That the land confirmed was three Mexican leagues and not English or American leagues.

Messrs. Van Dyke & Wells and Mullan & Hyde, counsel for the protestants, whose claims are affected by the Boardman survey, have assigned exceptions to your decision, and claim that their clients are entitled to the right of appeal therefrom.

I am unable to see by what right these parties can claim to have any standing in this case. They were not parties to the proceedings before the district and circuit courts on survey, and those proceedings involved *all* of the lands within the claimed limits of the grant, the confirmees having the legal right to select their three leagues at any place within those limits. These parties are not in privity with the title derived from the Mexican Government, and all of the lands within the claimed limits of the grant were absolutely reserved by the act of March 3, 1851 (9 Stat., 631), and could not become subject to settlement under the laws of the United States until the confirmees had selected their lands, and the same had been surveyed and segregated by the approval of the survey.

It has been frequently held by the courts of California that a grantee of the Mexican Government whose title to a specific quantity of land has been confirmed by a United States court, where the land is to be selected and surveyed from a larger tract, is entitled as against third persons without title to recover any of the lands within the general description of the grant, until the United States restricts the grantee's possession by a segregation and location of the quantity granted. (*Thornton vs. Mahorny*, 24 Cal., 569; *Mahorny vs. Van Winkle*, 21 Cal., 552; *Carpentier vs. Thirstow*, 24 Cal., 268.)

In the case of *Mahorny vs. Van Winkle*, above cited, the court held (Chief Justice Field delivering the opinion) that no one but the government could question the grantee's selection; as against all other parties it was sufficient for the grantee to show that the land selected was within the exterior boundaries of the grant, unless he had made a selection accompanied by such disclaimer as would operate as an estoppel upon him. Here there has been no disclaimer, and the survey has been executed pursuant to the decree of a tribunal of competent jurisdiction and final resort. Those settlers on lands within the exterior boundaries of the grant were trespassers as against the grantees, and their settlements were unauthorized by any law of the United States. They settled upon lands which were reserved by law for the satisfaction of the grant, and having full knowledge of that fact, and being presumed to know the law, they have no just cause for complaint because the lands occupied by them are embraced within the limits of the final survey of the grant. I am of opinion that these settlers are strangers in interest, and, under the established rulings of this department, are not entitled to the right of appeal from your decision.

The fact is clearly established that the southern boundary of this grant is south of the southern extremity of the Boardman survey, and as the claimants had the right of selecting any lands within those boundaries, I find no error in the survey of this boundary.

The jurisdiction and decrees of the United States district and circuit courts cannot be collaterally attacked before this department, and the plain duty devolving upon the department is to execute, and not to disregard said decrees.

After careful examination of the questions presented, I am of opinion that the Boardman survey is made in substantial conformity to the decrees of the district and circuit courts on survey, and that there is no error in your decision.

The exceptions filed by Messrs. Van Dyke & Wells, and Mullan & Hyde, are dismissed *pro forma*, and the papers transmitted with your letter of July 10, 1878, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

Cuyama Rancho, No. 2.

DEPARTMENT OF THE INTERIOR,
Washington, December 19, 1878.

SIR: I have considered the application of Alexis Godey by his attorney, A. Chester,

esq., for a reconsideration and modification of the decision of my predecessor, dated December 30, 1876, approving the survey made by Robert B. Harris, deputy United States surveyor, under the instructions of the United States surveyor general of California, of Cuyama Rancho, No. 2.

My predecessor held that the survey in question was correct, and that a patent for the tract shown therein should be issued to the owners of said rancho.

In relation to the lands patented to Mr. Godey, he stated, "Final confirmation of the grant shows that the United States never had any title to the lands, and hence had none to convey," and directed that inasmuch as said patents were improvidently issued that you should instruct the local officers to call upon Mr. Godey to surrender the patents issued to him for the tracts therein described.

Mr. Godey, in his application, requests that the survey may be so modified as to require the grant claimants to take other lands outside of the survey, and cites in support of his application, the cases of *Fremont vs. United States*, 17 Howard, p. 542, and *Henshaw vs. Bissell*, 18 Wallace, p. 255.

Neither of said cases, in my opinion, is applicable to this case. Here the grant was made of quantity within certain well defined limits; the grant having been confirmed, the grantee had a right to elect within those limits the land which he would take in satisfaction of his grant until the grant was satisfied. All the lands included within the exterior boundaries were reserved by the act of March 3, 1851, from sale or disposal by the United States, and being so reserved, no application for a patent for any portion thereof should have been entertained, nor should any patent have been issued for the tracts applied for.

My predecessor directed that you should call upon Mr. Godey to surrender the patents thus improvidently issued. In accordance with said instructions you directed the local officers to call upon Mr. Godey to surrender the patents, which they have done, and he has refused to surrender them.

Upon full consideration of the questions which induced my predecessor to make said order, I am of the opinion that it was unnecessary. The lands patented in this case never constituted a part of the public domain, and hence the patents did not convey any title, and are absolutely void. If the patents had been for lands constituting a part of the public domain, proceedings in court would be required to cancel them, although improvidently or fraudulently issued. Such, however, I think would not be considered the case where the government simply releases and sets apart to the grantee of a former government the lands granted to him by it.

The laws providing for the settlement of these claims require that where the grant is confirmed, and its limits and boundaries are subsequently ascertained by a survey which is approved, that patents shall issue to the claimants therefor. The law in this respect, I think is mandatory, and hence the claimant has the right to demand, and it is your duty to issue to him a patent for such confirmed and surveyed claim, notwithstanding a patent may have issued for a portion of said tracts improvidently to other parties.

The application of Mr. Godey is refused, and you will proceed without unnecessary delay to issue a patent to the claimants of this rancho in accordance with my predecessor's order above cited.

I herewith transmit all the papers filed with the application.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

Rancho Huasna.

DEPARTMENT OF THE INTERIOR,
Washington, January 7, 1879.

SIR: I have considered the application of John B. Bloss, esq., attorney for Irving Johnson, for a reconsideration of my decision of October 24, 1878, relative to the survey of the Rancho Huasna, Isaac J. Sparks, confirmer.

This application is based upon the following grounds, viz:

"1st. That the triangle on the north is outside of the juridical measurement, and therefore not within the grant.

"2d. That the grant claimants are concluded on the north by the survey of 1859, which stood without objection from them for twelve years, and only when the present claimants came into possession of the grant title, did they seek to alter that line, and include the land in occupation of a settler under the pre-emption law. The grant claimants are estopped by their own laches if not by their own acts.

"3d. That a different rule has been applied to these settlers from that applied to settlers in conflict with a railroad grant, and therefore the ruling against them in this case must be wrong, if the ruling in the railroad grants is correct."

Counsel for the grant owners claim that this application should be denied because no sufficient legal grounds are presented for reopening the case under the general practice of the courts governing new trials, as required by rule 7 of the rules of practice of your office, which is in the following words: "After a decision upon a contested case has been promulgated, no motion for review or modification will be entertained except in accordance with the general principles governing the granting of new trials or rehearings and after written notice to opposing counsel."

I am of opinion that this point is well taken. The issues presented by this case were:

1. Whether the small triangular shaped tract at the northeasterly corner of the grant was within the limits of the original juridical survey.

2. If said tract was found to be within said limits, were the grant owners estopped by their former acts of omission or commission from asserting title to it.

Two trials were held before the surveyor general, at each of which both parties were represented by counsel, and a large amount of conflicting testimony was introduced. The case was then carefully argued before you, and your decision was based upon the same points.

The case then came before me on appeal when the same questions were again argued and presented. After a careful examination of all of the evidence, I decided that the tract of land in dispute was within the limits of the juridical survey, and that the grant owners were not estopped from asserting their claim to it. These are the identical points covered by the first two grounds of this application. There has been no change in the law since my decision was rendered, and no new evidence is produced, and there is no pretense that any new evidence has been discovered, but the application is based, in effect, upon the ground that my decision is against the weight of the evidence.

The rule of law is well settled that a new trial will not be granted on the ground that the verdict was against the weight of evidence, if there was some on both sides which was contradictory. (*Carr vs. Gale*, 3 W. and M., 38; *Fearing vs. DeWolf*, *Id.*, 185; *Aiken vs. Bemis*, *Id.*, 348; *Wilkinson vs. Greely*, 1 Curt., 63; *United States vs. Five Cases of Cloth*, 2 N. Y. Leg. Obs. 84; *Blanchard's Gunstock-Turning Factory vs. Jacobs*, 2 Bl. C. C., 69; *Blagg vs. Ins. Co.*, 3 W. C. C., 58; *Stanley vs. Whipple*, 2 McLean, C. C., 35; *Johnston vs. Harris*, 1 Cranch., C. C., 257; *Marble vs. Fay*, 49 Cal., 585; *People vs. Simpson*, 50 Cal., 304; *Thompson vs. State*, 55 Ga., 47; *Id.*, 163, 200, 556, and 600; *Clifford vs. Luhring*, 69 Ill., 401; *Palmer vs. People*, 4 Neb., 68.)

The first two grounds of this application do not satisfy the requirements of the rule of practice above cited, and are therefore overruled.

Relative to the third ground of this application it need only be stated that under the decision of the Supreme Court of the United States in the case of *Van Reynegean vs. Bolton* (5 Otto, 33), lands claimed under confirmed Mexican grants are excluded from settlement under the pre-emption laws, so long as the claims of the grantees remain undetermined by the proper officers of the United States, and a person who settled thereon is a mere intruder and trespasser without color of right.

If, as alleged by counsel, a different rule has been established relative to the rights of settlers on lands within the limits of private grants from that which prevails in railroad grants, such rule is the result of the law as expounded by the Supreme Court, and cannot be modified by this department.

Owing to the irregularities which have grown up under the old practice in the matter of applications for rearguments, reviews, and rehearings, a strict compliance with the requirements of rule 7, of the rules of practice, will hereafter be enforced, and all applications based upon grounds which would not be good in a court of record will be dismissed.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

Rancho Entre Napa.

DEPARTMENT OF THE INTERIOR,
Washington, May 17, 1879.

SIR: I have considered the question relating to the survey of the *Rancho Entre Napa*, *Marta Frias de Higuera*, confirmee, on appeal from your decision of July 8, 1878, rejecting said survey.

The facts of this case are as follows, viz: On May 9, 1836, Mariano Chico, Mexican governor of Upper California, granted to Nicholas Higuera, a certain tract of land described in the record of juridical possession as "beginning from the house towards the east, coasting the estero towards the south to the arroyo de los carneros, and following up the arroyo westerly to the corral del paso abajo (lower pass), where were

counted eighteen thousand Castillian varas; thence taking a northerly direction, where three bounds were placed, to the arroyo of Napa, where the last bound was placed, and there were counted twenty-four thousand varas."

On November 13, 1847, Nicholas Higuera and wife, sold and conveyed part of said grant to Mathew Fallon, who by deed dated July 1, 1850, conveyed the same to Julius Martin, and Martin's interest therein was sold and conveyed by the sheriff of Napa County, under execution, to Edward Stanly, on March 21, 1857.

Conveyances of the same land were also made to Stanly, by Martin and Fallon, dated respectively May 25, 1856, and June 15, 1857.

Martin's claim was rejected by the board of land commissioners on September 19, 1854, on account of vagueness and uncertainty in the description of the land, but this decision was subsequently reversed by the United States district court, and the claim was confirmed.

This confirmation became final in 1857, on failure of the United States to prosecute an appeal to the Supreme Court.

A survey of the Martin claim was executed and approved by the surveyor general in the year 1857, and a patent was issued thereon, on April 3, 1858.

The history of the Marta Frias de Higuera claim is as follows: Mrs. Higuera deraigned title through certain mesne conveyances from Nicholas Higuera, and her claim was confirmed by the board of land commissioners on January 9, 1855, which decision was affirmed by the United States district court on June 10, 1858, and subsequently became final in default of appeal, by the United States to the Supreme Court. A survey of said claim was executed by Deputy Surveyor T. J. Dewoody in March, 1875, by which it was located entirely within the limits of the southern portion of the tract surveyed and patented to Julius Martin in 1858.

On May 17, 1876, John A. Stanly filed the following objections to the approval of said survey, viz:

First. That the land embraced within said survey was, on April 3, 1858, patented by the government to Julius Martin, to whose rights the objector has succeeded.

Second. That the claim of said Julius Martin to said land was based upon certain mesne conveyances from one Nicholas Higuera, the original grantee of the same, from the Mexican Government.

Third. That the alleged claim of Marta Frias de Higuera to the land embraced in the Dewoody survey is also based upon certain mesne conveyances from said Nicholas Higuera, the original grantee of the Mexican Government.

Fourth. That the United States district court in adjudicating the claim of Julius Martin to the land covered by his patent, found as a matter of fact that Nicholas Higuera conveyed the same to Mathew Fallon on November 13, 1847, and that Fallon conveyed the same to Julius Martin on July 1, 1851.

Fifth. That the rights of the parties claiming title under Julius Martin to the land embraced in his said patent, and those of Marta Frias de Higuera to that portion thereof embraced within the Dewoody survey, have been tried upon their merits in the district and supreme courts of California, and it has been decided by said courts that Marta Frias de Higuera has no right or title to any portion of the land embraced in the patent issued to said Martin.

Sixth. That it has been decided by the district and supreme courts of California that the conveyances under which the said Marta Frias de Higuera claims the land embraced in the survey herein objected to, from Nicholas Higuera, did not convey any part of the land claimed and patented to said Julius Martin, but on the contrary that the land claimed by Martin was expressly and in terms excepted from the deeds under which said Marta Frias de Higuera deraigned title from said Nicholas Higuera.

You decided that the judgment of the supreme court was final and conclusive between the parties upon the question of title, and refused to issue a patent on the Dewoody survey, and Mrs. Higuera has appealed from your decision.

Two questions require consideration in this case, viz:

First. Was the decision of the supreme court of California, in the ejectment suit, a final adjudication of the question of title between the parties, which in effect nullified the decree of confirmation, and left Mrs. Higuera without any claim to the land or to a patent therefor?

Second. Is the act of July 1, 1864, under which this survey was executed, mandatory in requiring the issuance of patents in cases where confirmed grants have been surveyed and there is no dispute as to the manner in which the boundaries of the claims have been defined?

First. At the outset it is proper to remark that in the proceedings before the United States district court both parties presented a *prima facie* title from Higuera, and both affirmed the validity of the original grant.

The issue presented before the district court was, whether the lands were private property or belonged to the public domain. (United States v. Morillo, 1 Wall., 709.)

The district court had no jurisdiction under the act of 1851 to try the conflicting titles of said parties, and it expressly refused to do so on application of Mrs. Higuera, when Martin's claim was under consideration.

On December 14, 1857, Edward Stanly commenced suit in ejectment against Joseph Green, Marta Frias de Higuera, and others, in the district court of Napa County, to recover the lands embraced in the present survey, and on May 22, 1858, a stipulation was entered into between said parties by which their respective titles were put in issue. This suit resulted in a judgment for the plaintiff on June 9, 1858, and said judgment was affirmed by the supreme court of California on January 26, 1859. (12 California, 148.)

The general rule of law in California is that if the respective titles of the parties to a suit, or their right to the possession of land, are put in issue and tried in ejectment and the plaintiff recovers judgment for possession, the judgment is an estoppel, and the defendant to avoid the estoppel in a subsequent action to recover the premises must show some other right of possession than he had when the judgment was rendered. (26 California, 479; 32 *Id.*, 176; 40 *Id.*, 107; 41 *Id.*, 53; 9 Wallace, 593.)

The result of the estoppel is to conclude the unsuccessful party and prevent him from litigating the same title in a new action.

Counsel for the objection, however, is claiming, in effect, that not only is the judgment of the State court conclusive, but that it operates to prevent the defendant from subsequently acquiring a better title than the one litigated. That no such result can flow from an estoppel is too clear to admit of controversy.

In the case of *Merryman v. Bourne* (9 Wall., 599), the Supreme Court of the United States said: "A defeated plaintiff may bring a new action upon an after acquired title, with the same effect as a stranger in whom such title may have been vested, and the former judgment will no more bar one than the other."

Besides this, if the position of the objector is correct, the State courts can annul a decree of confirmation of a Mexican grant, by the United States courts, through an estoppel flowing from a judgment in ejectment rendered prior to confirmation and patent.

This dangerous doctrine was expressly overruled by the supreme court of California, in the case of *Amesti vs. Castro*, and it was held that a judgment in ejectment against a grant claimant prior to confirmation and patent would not conclude him from asserting his rights in a new action, after his claim shall have been finally confirmed and patented. (49 California, 330.)

Second. It is not pretended that the Dewoody survey does not conform to the decree of confirmation to Mrs. Higuera, but the objection is simply against *any survey being made*. That it is the duty of the surveyor general to cause all confirmed claims to be surveyed, when requested by the claimant, is a matter which admits of no doubt; he is expressly required so to do by sections 6 and 7 of the act of July 1, 1864. (13 Statutes, 334.)

Section 1 of the act of July 1, 1864, also provides for the manner in which objections to a survey shall be presented for your consideration, and makes it your duty to issue a patent in all cases where the survey has been correctly executed.

The question which you are to examine into is whether the survey as executed is correct or incorrect, and not whether the decree of confirmation ought or ought not to have been rendered, nor whether it has been annulled by a decision of a State court. The final judgment of the United States courts confirming private land claims cannot be collaterally attacked before this department; but, on the contrary, it is the plain duty of the department to see that such judgments are fully enforced by the final survey and patenting of the claims according to the terms of the decree.

If the boundaries of two confirmed claims conflict, and it is clear that a tract has been confirmed to two parties, the proper course is to issue the patents in accordance with the decrees and allow the parties to settle the question as to which has the better title in the proper judicial tribunals. I am of opinion that the Dewoody survey of the Marta Frias de Higuera claim was executed in strict conformity with the decree of confirmation and the act of July 1, 1864, and should be approved and a patent issued thereon.

Your decision is reversed for the reasons stated, and the papers transmitted with your letter of December 12, 1878, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR,
Washington, August 28, 1879.

SIR: I have considered the application of John A. Stanly for a reconsideration of the decision of this department, dated May 17, 1879, in the matter of the survey of the rancho Entre Napa Marta Frias de Higuera, confirmee.

The points upon which Mr. Stanly asks a reconsideration of the decision above mentioned are thus stated by him: "First, a misapprehension by the department of the most material matter of fact involved in the controversy; and second, a misconception by the department of the rules of law applicable to the case."

In the decision of May 17, above mentioned, the survey under consideration was treated as having been made under the act of July 1, 1864, entitled "An act to expedite the settlement of titles to lands in the State of California." (13 Statutes, page 332.) Mr. Stanly now claims that the survey was not made in accordance with the provisions of said statute; and it is also claimed that the sixth and seventh sections thereof were repealed by the eighth section of the act of July 23, 1866. (14 Statutes, page 218.)

In support of the claim that said survey was not made under the act of 1864, certain affidavits and certificates have been filed for the purpose of showing that no request was made by Mrs. Higuera directly or indirectly for such survey, and also, that no deposit of money was made in court to pay for the expenses of the same. On the contrary, it appears by the instructions of the surveyor general to the deputy who executed the survey, that a request was made; and the instructions given, so far as I am able to learn, are in all respects like those uniformly issued to deputies under the act of 1861, for the survey of such claims.

It is not claimed by Mr. Stanly that the survey does not conform to the decree of confirmation either in quantity or specific boundaries. The defects in the survey pointed out are that the request and deposit mentioned in the statute were not made, and hence that the surveyor general of California had no authority to proceed to make a survey under that act, and therefore, that the survey cannot be considered a legal one. It is also claimed that, inasmuch as the survey was made more than ten months after the passage of the act of July 23, 1866, the grant having been confirmed before that time, the survey must necessarily have been made under the eighth section of said act, and as this survey is not made in accordance with the provisions of said section, it is therefore illegal.

As above stated, the instructions for the survey show clearly that the surveyor general who made them intended to give instructions and did so give them under the act of 1864; it also appears that the survey was made in accordance with said instructions. Publication was subsequently made in accordance with that act. During the publication Mr. Stanly appeared before the surveyor general and objected to the approval of the survey. During the consideration of the case before your office and its consideration before this department, the question of the propriety of the survey under the act of 1864 does not seem to have been raised. In fact I find nothing in the record of the case up to the time that this motion was presented indicating that anybody thought the survey was not properly made under that act. It is proper, however, now that the question is raised, to consider whether the instructions for the survey were properly given. If the sixth and seventh sections of the act of 1864 were repealed by the eighth section of the act of 1866, or if by reason of the delay in requesting the survey to be made, such survey could only be made in accordance with the eighth section of the act of 1866, then it must be held that the proceedings in this case are invalid.

I have carefully considered both statutes, and am unable to conclude that it was the intention of Congress, by the eighth section of the act of 1866, to repeal the sixth and seventh sections of the act of 1864, or that the same are thereby necessarily superseded.

Under the act of 1864 parties owning confirmed grants might secure their survey by request and by deposit of a sufficient sum with the clerk of the court to pay the expenses of such survey. They were not, however, compelled to make either the request or the deposit, and the result was that such surveys were not hastened, and the public surveys were thereby impeded. To remedy this evil, Congress provided in the act of 1866, that, if parties did not secure the survey of their confirmed grants within the time therein mentioned after the passage of that act, or after confirmation, the surveyor general of the United States, in extending the public surveys, should survey the lands claimed under the grant the same as public lands. After the lands claimed were surveyed, the owner of the grant was to have the quantity confirmed set off to him. In this way the extension of the public surveys could be prosecuted without impediment. This, however, did not take away the right of a claimant to have his ranch surveyed, in accordance with the provisions of the act of 1864. He might still obtain the survey of his grant at any time, although no public surveys were being made in the township or county where the same was situated. If the act of 1866 accomplished the purpose claimed for it by Mr. Stanly, then a grant claimant could not secure a survey of his grant until it became necessary to extend the public surveys over the same. This, in my opinion, was not intended. I find nothing in the acts inconsistent with each other. Together they provide that the claimant may secure the survey of his grant, although the United States is not making surveys near to it. On the other hand, the grant claimant cannot prevent the survey of his grant where the United States desires to extend the public surveys.

In this case the survey appears to have been correctly made according to the calls of the grant as confirmed to Mrs. Higuera. If the surveyor general, before directing said survey to be made, did not receive the request or have proof of the deposit required by the act of 1861, neither of those facts can invalidate the survey. It may be

true that that officer should not have caused the survey to be made without the request and without proof of the deposit, but the survey having been made correctly, it cannot be invalidated because of his neglect to require certain things to be done directory in their character. There was, therefore, no misapprehension of fact in this case as to the law under which said survey was made, and I am unable to agree with the petitioner, that the sixth and seventh sections of the act of 1864 were repealed by the eighth section of the act of 1866.

I have carefully considered the arguments presented upon the second point raised by Mr. Stanly, viz, "A misconception of the rules of law applicable to the case," and am unable to perceive any grounds upon which the former decision in that regard should be changed. The act of 1864 requires that when the survey is approved it shall be your duty to cause a patent to be issued to the claimant as soon as practicable after such approval. Whether such patent when issued and delivered shall be evidence of a perfect title in the confirnee, it is not necessary here to determine. The law prescribes your duty, and in my opinion is mandatory so far as it requires the issuance of the patent after the survey is approved. If, as claimed by Mr. Stanly, Mrs. Higuera is estopped by the proceedings already had in the State courts from claiming any title to this land, the issuance of the patents can do him no injury. On the other hand, if, as claimed by counsel for Mrs. Higuera, and as seems to have been held by the supreme court of the State of California in the case of *Amesti vs. Castro* (49th California, p. 329), she will thereby be given a status in court to establish the right she claims to the land, the patent should not be withheld. Whether she will by the issue of the patent obtain that status it is not the province of this department to decide. But I do not think that it can be said that the law in relation to her grant as confirmed has been fully executed until a patent is issued for the grant as confirmed and surveyed.

The application for a reconsideration of the decision of May 17, 1879, is therefore denied, and you will proceed to execute said decision as therein directed.

The papers filed with this application are herewith returned.

Very respectfully,

A. BELL,
Acting Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

Rancho Corte Madera del Presidio.

DEPARTMENT OF THE INTERIOR,
Washington, May 28, 1879.

SIR: I am in receipt of your letter of the 15th ultimo, submitting for my consideration certain interlocutory questions relating to the right of certain parties to appeal from your decision of September 18, 1878, in the matter of the survey of the Rancho Corte Madera del Presidio, situated in Marin County, California, the heirs of Juan Read, confirnees.

So much of the facts of this case as are necessary to a proper understanding of the questions now presented are as follows: The Rancho Corte Madera del Presidio was confirmed to the heirs of Juan Read on January 14, 1856, by decree of the United States district court, and this decree became final in default of appeal by the United States on April 2, 1857.

A survey of said rancho was made by Deputy Surveyor R. C. Matthewson in October, 1868, and was approved by the surveyor general of California on September 19, 1869, and published in supposed conformity with the act of June 14, 1860. Exceptions to the correctness of this survey were filed on behalf of the confirnees and claimants, and on September 13, 1860, it was ordered into the United States district court, which court, by decree dated September 28, 1865, overruled said objections and approved the survey; but by further order, dated October 16, 1865, vacated its decree of approval and dismissed all proceedings relating to said survey.

Under instructions from your office dated March 11, 1868, notice of said survey was published in May and June, 1868, in conformity with the requirements of the act of July 1, 1864, and objections to the correctness of said survey were filed on behalf of the grant claimants only.

Said survey was approved by your office on May 6, 1871, but on appeal my predecessor, Hon. C. Delano, rejected it, and ordered a new one to be made "conforming to the juridical possession."

A new survey was accordingly made by Deputy Surveyors Ransom and Allardt in September and October, 1873, and June, 1874, and notice thereof was published in February and March, 1875, in supposed conformity with the requirements of the act of July 1, 1864.

Under this publication objections were filed to said survey with the surveyor general by the grant claimants, the United States, and by various persons claiming lands within its limits under the public land laws of the United States, and otherwise ad-

verse to the rights of the confirmees. A hearing was thereupon held before the surveyor general, and upon the record thus presented, together with the arguments of counsel, you rendered a decision on September 18, 1878, directing certain modifications to be made in said survey, subject to the usual right of appeal to this department.

You state that appeals have been taken by sundry parties who filed objections to said survey after the publication of notice thereof in 1875, and transmit a motion made by Messrs. Britton & Gray, of counsel for the grant claimants, to dismiss all appeals in the case which have been filed by or on behalf of parties who failed, in accordance with the provisions of section 1 of the act of July 1, 1864, to intervene within ninety days after the first publication of May 11, 1868, of the survey of said rancho; and, further, to strike from the files all exceptions and arguments submitted by said strangers to the record subsequent to the aforesaid decision.

The determination of the *status* of the objectors in this case must depend upon the construction given to section 1 of the act of July 1, 1864, relative to the publication of notice of the survey of a private grant and the manner of presenting objections to the correctness of the survey. If the notice of survey was properly published in 1875, and the objectors filed their exceptions to the survey in time, and have shown such an interest in the land that *they can be classed as parties in interest*, they are entitled to the right of appeal from your decision; otherwise their *status* is that of protestants only, possessing no such right.

Section 1 of the act of July 1, 1864, provides: "That whenever the surveyor general of California shall, in compliance with the thirteenth section of an act entitled '*An act to ascertain and settle the private land claims in the State of California*,' approved March third, eighteen hundred and fifty-one, have caused any private land claim to be surveyed and a plat to be made thereof, he shall give notice that the same has been done by a publication once a week for four consecutive weeks in two newspapers, one published in the city of San Francisco and one published near the land surveyed, and shall retain in his office, for public inspection, the survey and plat until ninety days from the date of the first publication in San Francisco shall have expired, and if no objections are made to said survey, he shall approve the same and transmit a copy of the survey and plat thereof to the Commissioner of the General Land Office at Washington for his examination and approval, but if objections are made to said survey within the said ninety days by any party claiming to have an interest in the tract embraced by the survey or in any part thereof, such objections shall be reduced to writing, stating distinctly the interest of the objector, and signed by him or his attorney, and filed with the surveyor general, together with such affidavits or other proofs as he may produce in support of the objections. At the expiration of said ninety days the surveyor general shall transmit to the Commissioner of the General Land Office, at Washington, a copy of the survey and plat, and objections and proofs filed with him in support of the objections, and also of any proofs produced by the claimant and filed with him in support of the survey, together with his opinion thereon, and if the survey and plat are approved by the said Commissioner, he shall indorse thereon a certificate of his approval. If disapproved by him, or if, in his opinion, the ends of justice would be subserved thereby, he may require a further report from the surveyor general of California touching the matters indicated by him or proofs to be taken thereon thereon, or may direct a new survey and plat to be made. Whenever the objections are disposed of, or the survey and plat are corrected, or a new survey and plat are made in conformity with his directions, he shall indorse upon the survey and plat adopted his certificate of approval. After the survey and plat have been, as hereinbefore provided, approved by the Commissioner of the General Land Office, it shall be the duty of the said Commissioner to cause a patent to issue to the claimant as soon as practicable after such approval." (13 Statutes, 332.)

The act to which the section above cited is a part, in its sixth and seventh sections, provides for the surveys of private grants to be made after the date of its approval, and directs how they shall be made. The first section of the act, so far as it relates to publication and the objections of parties claiming an interest in or to be affected by the survey, relates to surveys made prior to the passage of said act, and "in compliance with the thirteenth section of an act entitled '*An act to ascertain and settle private land claims in the State of California*.'"

For the purpose of notifying all persons who have or claimed to have an interest in any of the lands affected or to be affected by a survey of any private grant, public notice was to be given as required in said act, and parties allowed an opportunity to appear and file objections and submit testimony for the consideration of the surveyor general and of your office. If any party claiming an interest in the grant or affected by the survey failed to appear within the time limited, the statute does not give him any *status* in the case. The only *status* he can thereafter obtain is by leave of your office or of this department as an *amicus curia*.

In this case the publication seems to have been regularly made of the survey in 1868 and objections thereto filed by all of the parties who at that time desired to raise ob-

jections. On the consideration of these objections the survey was rejected by my predecessor and a new survey ordered.

This second survey was also published, and during its publication, or within the time limited by the act, other objections than those filed in 1868 were presented, and, it is claimed on behalf of the latter objectors, that whenever, or as often as a survey is made of any private grants, a publication must be made, and during such publication any person affected, or conceiving himself affected, by such survey may appear and object to it. This position, I, think, is untenable. The law contemplates but one publication, and that during the time limited to such publication all objections to the survey will be presented. If, upon the consideration of such objections and the testimony filed in support of them, a new survey is ordered, either by your office or by this department, the order directing the new survey should point out specifically in what respect the first survey is incorrect and how the new survey should be made.

In thus directing how the new survey is to be made, the extent and boundaries of the grant, if it be a grant by specific boundaries, are adjudicated; and if it be a grant within larger exterior boundaries, then the limits of such exterior boundaries are fixed within which the grant is to be satisfied.

When a survey is made in accordance with such directions and returned to your office for approval, the only question to be considered is whether the decision directing the survey has been complied with. If it has, then the survey should be approved; if it has not, then it should be returned for correction and, when corrected, approved. But I am unable to perceive why any publication should be made of a survey made in accordance with the decision of your office or of this department. Such survey simply segregates the lands included within a private grant from the public domain.

As the limits of that grant have already been determined, the objections to the survey could only be made in the nature of objections to the decision directing the survey. If such objections were not made at the proper time to the decision, certainly they cannot now be made to the survey. This, I think, is the proper construction of the law. The law contemplates that objections may be raised to the first survey made, and hence gives an opportunity during the period of publication of ninety days thereafter to any persons affected thereby to appear and object to the survey; but after the survey is corrected in accordance with your decision no further publication is provided for; but the law directs that the plat of survey shall be approved by you, and thereupon a patent shall issue to the claimant "as soon as practicable after such approval."

The publication of the survey made by Ransom and Allardt in 1875 was, therefore, without authority of law. The objections filed to such survey for the reasons above stated cannot be considered. If the survey was made in accordance with the directions of my predecessor, it should be approved; if not, then it should be returned for correction until it does conform to said decision. But objections to the decision made under cover of objections to the survey cannot now be considered.

It follows, therefore, that those of the objectors who failed to file their objections within ninety days after the publication in 1868, have no standing in this case as parties in interest, unless their interest was derived by purchase or otherwise, subsequent to publication in 1868, from the owners of the grant at that time, or their grantees, and can only be considered now as protestants, and not entitled, as a matter of right, to an appeal from your decision.

The claimants of the grant, at the time of the publication, and any other persons owning lands adjoining to the grant, either as the owners of adjoining Mexican grants or of the public lands, had a right to present their objections to the survey as originally made, and their testimony in support of said objections.

The object of allowing parties to thus appear evidently is to confine the grant to the limits originally prescribed by the Mexican Government. If parties, however, thus interested failed to appear and object, they have no right now to appeal from your decision, unless they have, since the publication, purchased lands included within the grant, or adjoining to it; from parties who did then appear and object.

In the case of *Newhall vs. Sanger* (2 Otto, p. 761), the Supreme Court held that lands within the claimed limits of Mexican grants were in a state of reservation, and hence did not pass under the grant to the railroad company. If lands thus situated are so reserved that they cannot pass by an act of Congress, it necessarily follows that no rights can be acquired under any of the laws of the United States for the sale or disposal of the public lands to lands within the claimed limits of a private grant until said grant is satisfied. No appeal, therefore, should be allowed by any parties who claim rights within the claimed limits of said grant by virtue of any appropriation of the same under any grant by Congress, or any law authorizing the sale or disposal of the public lands. The fact that parties have been heard and their suggestions considered by you as *amici curiæ* does not give them the right to an appeal.

The only parties, in my opinion, entitled to appeal from your decision are those who had or claimed an interest in the grant when surveyed in 1868, or in adjoining

lands affected thereby, and their grantees, and appeared and filed their objections to said survey during the period allowed by law after the publication. All other parties, if heard at all, should be heard as protestants only, or *amici curiæ*.

The views expressed in this opinion are advisory simply. The case is not before me for decision, and hence I cannot dismiss any appeals filed in it, neither can I order any papers to be stricken from the files of the case.

I herewith return the papers transmitted with your letter of the 15th ultimo.

Very respectfully,

C. SCHURZ,
Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

Rancho Saucelito.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 9, 1879.

SIR: The matter of the survey of the Rancho Saucelito, in Marin County, California, William A. Richardson, claimant, is before me for examination, upon the record therein; the question to be considered being that presented by the views expressed in the letter of the honorable Secretary of the Interior to the Attorney General of the United States, under date of October 1, 1878, as to whether the official survey was "properly published by Surveyor General Mandeville, under the act of June 14, 1860."

Preliminary to the letter aforesaid of the honorable Secretary, the facts in the case had been fully reported by this office to the department; and all particulars essential to the proper examination of the question now to be considered are restated in said letter, a copy of which was communicated to you by this office for your information, under date of October 8, 1878, to which reference is now made.

The survey in question made by United States Deputy Surveyor W. J. Lewis, in March, 1858, is stated in the certificate of Surveyor General Mandeville to have been published "once a week for four weeks successively in two newspapers, to wit, the Sonoma County Journal, published in the county of Sonoma, State of California, being the newspaper published nearest to where the said rancho is located, the first publication being on the 5th day of October, 1860, and the last on the 26th day of October, 1860; also in the San Francisco Herald, a newspaper published in the city and county of San Francisco, State aforesaid, the first publication being on the 3d day of October, 1860, and the last on the 24th day of October, 1860," &c.; and, further, that said survey and plat were retained in his office "during all said four weeks and until the expiration thereof, subject to inspection."

The following objections, in substance, against the sufficiency of said publication, are returned as having been filed in your office by Messrs. Howard, appearing for the United States, and Felton, on behalf of Le Roy, a claimant under location of Valentine scrip, to wit:

- 1st. That the notice published was insufficient.
- 2d. That it was not published the required four weeks.
- 3d. That (aside from the publication in the San Francisco Herald) it was not published in the paper nearest the land.
- 4th. That it was not retained in the office of the surveyor general the required four weeks subject to inspection.

It is doubtful in the circumstances of the case, and under the ruling of the honorable Secretary, whether these parties have a right to appear in the case for any purpose; but inasmuch as it becomes my duty to decide upon the sufficiency of the publication, whether objected to or not, I shall examine the objections interposed, in their order, as covering all possible grounds of exception, and without reference to the particular status of the parties with which they originate.

First, The first objection is to the form of the notice, and is, stated in detail, that the notice "is defective, in that it fails to state that a survey and plat of the lands had been made and approved by the surveyor general, and, furthermore, that the plat and fieldnotes had been approved and filed in his office;" and that "the publication does not state by whom the survey was made."

A certified copy of the published notice is in the record, and is as follows:

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
San Francisco, October 3, 1870.

"In compliance with the first section of the act of Congress approved June 14, 1860, regulating surveys of private land claims, notice is hereby given that the plats of the following private land claims surveyed in pursuance of the thirteenth section of an

act entitled 'An act to ascertain and settle private land claims in the State of California,' approved March 3, 1851, have been examined and approved by me.

"Name of rancho, Saucelito.

"To whom confirmed, Guillermo A. Richardson.

* * * * *

"The plats will be retained in this office subject to inspection for four weeks from the date of this publication.

"JAMES W. MANDEVILLE,
"United States Surveyor General."

The language of the statute requiring this publication is as follows:

"Whenever the surveyor general of California shall, in compliance with the thirteenth section of an act entitled 'An act to ascertain and settle the private land claims in the State of California,' approved March three, eighteen hundred and fifty-one, have caused any private land claim to be surveyed, and a plat to be made thereof, he shall give notice that the same has been done and the survey and plat approved by him, by a publication once a week for four weeks in two newspapers, one published in the city of San Francisco, and one of which the place of publication is nearest the land, if the land is situated in the northern district of California; and until the expiration of such time the survey and plat shall be retained in his office subject to inspection."—(12 Stat., 33.)

By comparing the notice published with the statute, it will be seen that though it does not follow the language of the act in precise terms and order of expression, it fully complies with it in substance and nearly so in form. Read according to its plain purport it shows *that the plat of survey of the private land claim, Saucelito, confirmed to Guillermo A. Richardson, made in pursuance of the thirteenth section of the act of March 3, 1851, had been examined and approved by the surveyor general and would be retained in his office subject to inspection for the time required by law.*

The survey is fully identified by the name of the claim and of the confirmer, and reference to the act under which it was made, being all the circumstances of identification prescribed, the statute not requiring that the notice should state by whom the survey was made nor that the field notes had been approved and filed, the omission of which is made a part of the grounds of said objection.

In the case of *Le Roy vs. Jamison* (3 Sawyer, 369), referred to by the objectors, Justice Field held the notice to be insufficient, in that it omitted "*the material statement required by the statute, that a survey and plat of the claim confirmed had been made and approved by the surveyor general*"; that defect does not appear in the notice in this case, which clearly shows that the survey and plat had been made and approved. In my opinion the notice is good in substance and sufficient in form.

Second. The statute requires that the notice shall be published once a week for four weeks, and that, until the expiration of such time, the survey and plat shall be retained, &c. The act to be done (or rather the suspension of action specified), is governed by the first publication; the plat is to be retained until the expiration of four weeks from the day of said first publication.

The subsequent publications have no relation to the time, the notice has to run, and the statute is specific that the publication shall be once in each week for *four weeks*, not five nor any other number of weeks.

The certificate of the surveyor general giving the dates of the first and last publications shows that the statute was literally complied with in that respect.

The publication was regular as to time, and the objection on that ground is unfounded. (See opinion of Solicitor General adopted by the Hon. Secretary of the Interior in the case of the Rancho Guadalupe, Copp's Land Laws, page 558, and cases there cited.)

Third. The allegations under this objection are, that the Sonoma County Journal, in which the notice was advertised as the paper outside of San Francisco "nearest the land," was published at Santa Rosa, over forty miles from the Rancho Saucelito, while there were several papers published in San Francisco, within ten miles, two in Alameda County, within fifteen miles, and one in Contra Costa County, within twenty miles of said rancho.

On the other hand, it is alleged on the part of the claimant of Saucelito that the Sonoma County Journal was published at Petaluma, in Sonoma County, and, in substance, that its place of publication was as near to Saucelito as that of the papers alluded to as published in Alameda County; and by reason of the relative situation of the places of publication referred to, much better calculated to give notice in the vicinity of Saucelito.

The suggestion contained in the objection, that the publication in the second paper required might also have been made in San Francisco, is inadmissible. It has been uniformly held that as the statute required publication to be made in one paper published in San Francisco, and in another nearest the land, it was intended for the purpose of giving more extended notice, as well as notice in the vicinity of the land sur-

veyed, that the two papers selected should be published in different places, though San Francisco might be nearer the land surveyed than any other place where the publication could be made, and the practice in such cases has been governed accordingly.—(Decision of this office in case of Rancho La Purisima (Lompoc Contest), November 8, 1872; decision of department in case of Rancho Tajauta (Copp's Land Laws, 548.)

There is no proof given by either party as to the distance, with reference to the Rancho Saucelito, of the several places where, as alleged, publication was or might have been made. The particular places where papers were published in Alameda and Contra Costa Counties are not specified by the objectors, nor is there any proof by either party showing whether the Sonoma County Journal was published at Santa Rosa or Petaluma. There is, however, in the record of the case, a copy of the account rendered to the surveyor general by the publishers of the Journal for making said publication, which account is certified by Surveyor General Mandeville, and is dated at Petaluma. It is fair to presume from this, and I have no doubt, that said paper was published at Petaluma.

A reference to the official maps in this office shows that the town of Petaluma is near the border of Marin County, in which the rancho Saucelito is located, and north of Saucelito; the latter being situated between it and San Francisco, on the northern line of travel. Contra Costa and Alameda Counties are on the opposite side of the Bay of San Francisco from Saucelito, and there does not appear to be any direct line of travel or communication between them, and though portions of said counties, and probably places in them where newspapers may have been published in 1860, are nearer to Saucelito, by an air line, than the town of Petaluma by any usually traveled route or line of communication, they were then, probably, farther off in point of time and the means and facilities of communication, if not in actual distance of travel.

It was the plain purpose of the act to give notice of the survey in the vicinity of the land surveyed, and a reasonable construction of it to adopt the place of publication that would most effectually accomplish the purpose intended. It is evident that by publication at Petaluma, the object in view would to a degree have been attained and that publication across the bay would have been practically useless.

I am therefore of opinion that the duty of the surveyor general was properly discharged by the publication made, and that said objection is without validity.

Fourth. The first publication in the San Francisco Herald was on the 3d, and in the Sonoma County Journal on the 5th of October, 1860; the four weeks during which the survey and plat were required to be retained for inspection, therefore, expired at the latest on the 2d of November, 1860. The order for return of the survey into the district court could undoubtedly be regularly made at any time after the first publication, the time of return being fixed at a day subsequent to the expiration of the four weeks. In this case, application for the return of the survey into court and the order requiring such return were made on the 31st of October, 1860, the order requiring the return to be made "on or before the 21st day of November, 1860." The certified abstract of the proceedings of the court shows that the return was made and the survey filed in court on the 8th day of November, 1860; the survey was therefore retained in the office of the surveyor general several days longer than required by law. Said fourth objection is without force.

But there is a more conclusive reason why these objections, severally and as a whole, should be overruled. They are unsupported by proof, and cannot be permitted to override the official proceedings and action in the case.

The certificate of the surveyor general in cases like this is the usual and appropriate evidence upon which the consequent action of this office is based.

In the case of *Leroy vs. Jamison*, referred to above, Mr. Justice Field held that the certificate of the surveyor general was *prima facie* evidence of the publication, and, "*unquestioned, might be taken as conclusive.*"

In this case the certificate of Surveyor General Mandeville is in the usual form, and contains a full and sufficient statement of the facts showing the publication of notice of the survey, in all respects as required by the act under which publication was made. It is a public record of official action, and as such entitled to full faith and credit, and is not impeached or questioned by a particle of proof. To allow it to be negated by mere suggestions would be to render official character and responsibility of no value, official authority and action nugatory, and the records of official proceedings ineffectual and useless.

I am of opinion, and hold, that said publication was regular and sufficient. Said objections are disallowed, and a patent will issue to the confirmee for the confirmed grant of Saucelito, in accordance with the survey thereof made by United States deputy surveyor, W. J. Lewis, in March, 1858, and published as before mentioned.

Respectfully,

J. A. WILLIAMSON,
Commissioner.

THEODORE WAGNER, Esq.,
United States Surveyor General, San Francisco, Cal.

Baca Claim, No. 4.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 21, 1879.

SIR: I have considered the application of Hon. Wm. Gilpin for a patent to the tract of land known as "Baca Claim, No. 4," in Colorado.

Section 6 of the act of Congress approved June 21, 1860, provided that the heirs of Louis Maria Baca might select a quantity of land equal to that claimed by the town of Las Vegas, to be located on vacant, non-mineral land in New Mexico, in square bodies not to exceed five in number, the same, when selected by the heirs, to be surveyed and located by the surveyor general of New Mexico.

It was subsequently ascertained that the quantity of land claimed by the town of Las Vegas, and therefore the amount to be selected by the Baca heirs, was 496,446.96 acres.

In 1863 the Baca heirs selected the tract of land now in question. This was the fourth tract, three having been previously selected, and therefore this tract was designated as "Baca Claim, No. 4." It contains 99,289.39 acres, being one-fifth of the amount granted to said heirs. This was at the time of its selection in the Territory of Colorado; but at the date of the act making the grant, June 21, 1860, the tract was a part of the Territory of New Mexico.

After the selection of this tract, it was surveyed and located by the surveyor general of Colorado, he having first determined that the land was vacant and non-mineral.

The seventeenth section of the act of Congress approved February 28, 1861, gave the surveyor-general of Colorado the same authority concerning the location of this tract as was originally conferred on the surveyor general of New Mexico.

After the selection, but previous to the location, the Commissioner of the General Land Office instructed the surveyor general of Colorado that, as the statute did not authorize the issuing of a patent, the act of June 21, 1860, and the plat approved by the surveyor general, would constitute the evidence of title.

There is no doubt that government may convey and vest the legal title without issuing a patent as effectually as may be done by patent. (*Larriere v. Madegan*, 1 *Dillon*, 455; *Gregnon v. Astor*, 2 *Howard*, 319; 3 *Opinions of Atty. Gen.*, 350.)

The surveyor general was authorized by the act to locate only vacant non-mineral land. Unless the contrary appeared, it would be presumed from the act of locating that the surveyor general determined the land was not mineral. But before locating the surveyor general had expressly found and certified that this land was not mineral.

It is now alleged that the land is mineral; that the surveyor general approved the plat of survey "subject to the conditions and provisions of section six of the act of Congress approved June 21, 1860," and that therefore the grantees cannot hold the land under that act. The conditions and provisions of the act of June 21, 1860, were, as respects this question, that the selection and location should be on land determined at the time of such location when the title passed to be non-mineral land.

The act did not intend that if at any subsequent time in the remote future mineral should be discovered the title should be unsettled, or that the title should be the subject of controversy through all time as often as any one might choose to allege its mineral character.

The surveyor general did not undertake and had no power to impose conditions not in the act.

If after fifteen years the question as to the mineral character of the land may be reopened, why may it not be raised again after the lapse of any number of years? If the question may be reopened as to the land granted under the provisions of the act of June 21, 1860, why may it not as to land acquired under the homestead, pre-emption, and other acts of Congress? Would such titles ever be considered secure?

The question as to the mineral or non-mineral character of this land has been passed upon by competent authority; the title has passed from the government and vested in private individuals. This office has no authority to reopen the question. The land can no longer be regarded as a part of the public domain.

Mr. Gilpin, who claims this tract of land as the assignee of the Baca heirs, makes personal application for a patent. It is not claimed that the granting act authorized a patent to issue, but that it is authorized by section two of the act approved March 3, 1869, (15 *Stats.*, 342), and by section 2447 Revised Statutes of the United States. But those provisions authorize patents to issue only when claims to land have been confirmed by law, that is, where an act of Congress recognizes a claim to specific land, and does not apply to cases where the acts of Congress only authorize a claim to be made thereafter to land without regard to any specific tract or parcel of land.

This office can issue patents only when it is authorized by some act of Congress. The application of Mr. Gilpin for a patent must therefore be refused.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

Mr. WILLIAM L. CAMPBELL,
Surveyor General of Colorado.

Certificates of location under act June 2, 1858.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 17, 1878.

SIR: In the matter of the various settlement claims under the acts of March 3, 1819, and May 8, 1822, respectively, in which you have issued in satisfaction thereof certificates of location under the act of June 2, 1858, and which said certificates are now pending in this office for authentication, you are requested to cause to be transmitted to this office, at as early a period as possible, the evidence upon which the register and receiver issued their confirmation certificates in those cases, and in any case where a copy of the confirmation certificate has not been forwarded, to transmit a copy of that also.

To give proper effect to the decision of the honorable Secretary of the Interior of April 8, 1878, in the case of David C. Hardee as the representative of William Hatchell, you are required in the future, when application is made to you for certificates of location in satisfaction of any settlement claim falling within the provisions of either the act of March 3, 1819, or May 8, 1822, to refer said application to the register and receiver of the proper district, who will fix a time for a hearing, allowing the applicant a reasonable opportunity to present additional evidence, parol or documentary, either direct or circumstantial, both in regard to settlement and location.

With reference to the matter of location it is not necessary that the exact limits of the original claim for which scrip is asked should be defined, unless in proximity to a confirmed private land claim, and its approximate location must be established, to satisfactorily determine whether it is in conflict with claims recognized by the first and second sections of the said act of March 3, 1819.

By said decision you are also required to give all the aid and assistance in your power in the determination of the status of each case.

At the expiration of the time fixed for the hearing, the local officers will transmit to this office all the original documents in each case, or in the event of their being lost or destroyed, such loss or destruction must be accounted for, together with the evidence, with their report and recommendation for the consideration of this office.

Should this office be satisfied that the claim is confirmed and entitled to be satisfied by certificates of location under the act of June 2, 1858, the register and receiver will be instructed to issue a confirmation certificate, and upon presentation of the same to you, certificates will issue accordingly.

Respectfully,

J. A. WILLIAMSON,
Commissioner.

O. H. BRUNSTER, Esq.,
United States Surveyor General, New Orleans, La.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 11, 1878.

SIR: Referring to my letter of instructions addressed to you under date of September 17, 1878, with the view of giving proper effect to the decision of the honorable Secretary of the Interior dated April 8, 1878, in the case of David C. Hardee, representative of William Hatchell, in which letter you were directed to cause to be transmitted to this office the evidence upon which the district land officers issued "confirmation certificates" in settlement claims where confirmations are claimed by the acts of March 3, 1819, and May 8, 1822, respectively, in cases now pending in this office, together with directions for the treatment of such cases arising in the future where application is made to you for certificates of location under the act of June 2, 1858, in satisfaction, &c., &c., I have to state that the said instructions will be held to apply with equal force to settlement claims included in the reports of Casby and Skipwith, dated November 18, 1820, and July 24, 1821, which are the subjects of the confirmatory act of August 6, 1846. (Stats. 9, p. 66.)

A number of claims arising under the last mentioned reports and act, and in which you have issued scrip, are now pending in this office; and, in order that all donation cases in which unauthenticated certificates of location are on file here may be adjudi-

ated without unnecessary delay, you will please furnish the evidence necessary to their consideration, as set forth in the aforesaid office instructions, at the earliest practicable moment.

Respectfully,

J. M. ARMSTORNG,
Acting Commissioner.

UNITED STATES SURVEYOR GENERAL,
New Orleans, La.

Patents for location of scrip under act of June 22, 1860, made prior to act of January 28, 1879.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 31, 1879.

SIR: In my letter of the 28th instant to Hon. J. S. Newberry, House of Representatives, a copy of which is herewith inclosed, it was held that lands located with scrip issued under the act of June 22, 1860, and supplemental legislation prior to the passage of the act of January 28, 1879, could not be patented under said act.

In view, however, of the application contained in the letter, dated the 27th instant, of Hon. H. B. Strait, herewith inclosed, to have the aforesaid ruling changed so as to allow patents to issue in all cases where such locations have not been approved by this office, I have deemed it proper to submit this question to the department for an expression of opinion in reference thereto.

I have the honor to be your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, June 4, 1879.

SIR: I have received your letter of the 31st ultimo, inclosing a copy of your letter to Hon. J. S. Newberry, House of Representatives, dated the 28th ultimo; also, the application of Hon. H. B. Strait, of Minnesota, requesting a modification of the views expressed in your letter to Mr. Newberry, above mentioned, in relation to the proper construction of an act of Congress approved January 28, 1879, in relation to the use of scrip issued under the act of June 22, 1860, and acts supplementary thereto.

Sections 2 and 3 of the act of January 28, 1879, read as follows:

"SEC. 2. That such scrip shall be received from actual settlers only in payment of pre-emption claims, or in commutation of homestead claims, in the same manner and to the same extent as is now authorized by law in the case of military bounty land warrants.

"SEC. 3. That the register of the proper land office, upon any such certificate being located, shall issue in the name of the party making the location a certificate of entry, upon which, if it shall appear to the satisfaction of the Commissioner of the General Land Office that such certificate has been fairly obtained, according to the true intent and meaning of this act, a patent shall issue as in other cases, in the name of the locator or his legal representative."

You held that patents could not issue under locations made with said scrip prior to the passage of said act, and now request the views of this department in relation to the decision thus made.

The modification requested by Mr. Strait would authorize the issuing of patents on locations whenever made with scrip of the character mentioned in the act. Statutes are always construed as having a prospective effect, unless there is something in the act showing an intention of the legislature to give them a retroactive effect. There is nothing in this act to indicate an intention on the part of the legislature to give it a retroactive effect.

While it may be true that there is no reason why Congress should have made any distinction between locations made prior to the passage of the act and those made subsequently, still, as the act does not authorize the issuance of patents for those made before its passage, you have no right to give it that effect.

I think your construction of the law was correct, and must, therefore, decline to modify the ruling made.

Very respectfully,

C. SCHURZ,
Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

Case of Madam Bertrand.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 25, 1879.

SIR: I have the honor to submit herewith for your decision the case of Madam Bertrand, wherein the surveyor general of Louisiana has issued certificates of location under the provisions of the act of Congress approved June 2, 1858. (Stats. 11, pp. 294, 295.)

The third section of the aforesaid act provides: * * * "That in all cases of confirmation by this act, or where any private land claim has been confirmed by Congress, and the same, in whole or in part, has not been located or satisfied, either for want of a specific location prior to such confirmation, or for any reason whatsoever, other than a discovery of fraud in such claim subsequent to such confirmation, it shall be the duty of the surveyor general of the district in which such claim was situated, upon satisfactory proof that such claim has been so confirmed, and that the same, in whole or in part, remains unsatisfied, to issue to the claimant, or his legal representatives, a certificate of location for a quantity of land equal to that so confirmed and unsatisfied," &c.

The claim of Madam Bertrand is entered as No. 23, second class, in the manuscript report of the register and receiver, acting in the capacity of commissioners for the western district for the State of Louisiana, dated December 30, 1815. (See Am. State Papers, Duff Green's ed., vol. 3, pp. 153, 154.)

"Madam Bertrand claims 800 superficial arpens of land, viz, 20 arpens front by 40 in depth, situated on the Bayou Plaquemines Brulés, in the county of Opelousas, bounded on one side by land of Bertrand Tailleux, and on the other by vacant land, under an order of survey in favor of the claimant, dated the 9th May, 1787, and signed by Estevan Miro, then governor of Louisiana. The order of survey accompanies the notice. The evidence of Chevalier Villier, taken the 12th August, 1813, establishes the land to have been inhabited and cultivated for thirty consecutive years previous to the taking of his testimony."

The class in which this claim belongs and was reported, as appears by said manuscript, comprises "claims founded on authentic orders of survey conceded by the Spanish government of Louisiana, which, with or without proof of occupancy, ought, in the opinion of said register and receiver, to be confirmed," and the claim evidently *was* confirmed with the others so reported by said district officers by the act approved February 5, 1825 (Stats. 4, p. 84.)

The surveyor general on September 14, 1877, issued two certificates of location under the act of 1858, in full satisfaction of this claim, viz: No. 377 A, for 320 acres, and No. 377 B, for 360.56 acres, aggregating 680.56 acres, equal to 800 French arpens; and in his letter transmitting the scrip for authentication that officer reports that after a careful and complete examination of his records, including the field notes of public surveys, the township maps, and the papers and memoranda relating to private land claims, he is convinced that said claim has never been located or otherwise satisfied, &c.

It appears also of record that Surveyor General H. B. Twist, on November 23, 1833, ordered a survey of this claim, with a view to the establishment of the same in place, but his instructions contained nothing more definite as to the original location thereof than was shown by the report of the district officers, as quoted, and the present surveyor general states that in his opinion the failure to survey this claim was on account of the vague and unprecise language of the confirmatory act, by which I infer that he intends to convey this idea, viz, that as some confirmatory acts involving claims to lands in Louisiana set forth plainly that when such confirmed claims had been duly located and surveyed in accordance with existing laws, the parties in interest should be entitled to receive certificates as the basis of patents to the lands in place from the United States, and as the confirmatory act of February 5, 1825, *was silent* upon the subject of surveys, patent certificates, &c., the confirmees under the last mentioned act did not perceive the necessity for the early survey of the lands claimed, and therefore neglected their interests in that respect.

The surveyor general also states that he has examined the confirmations of the several private land claims situated on Bayou Plaquemines Brulé with a view of ascertaining whether there was another confirmation of this claim in the name of some other person, but that he has failed to discover any further facts in point; and upon examination of the files and records of this office I find nothing having a bearing on the case more than has been reported by the surveyor general, who appears by his letter to have given the matter careful consideration, and the case is as satisfactory as any of this class usually are, where the identical tract conceded by the former government cannot now be identified.

The claim has never been surveyed; further correspondence would not, probably, elicit additional data; consequently there is no guide for determining whether the claim has ever been *indirectly satisfied*.

There is usually no question of spurious claims to *confirmation* involved in these Louisiana cases (except in donation claims), as the original manuscript reports of the various boards of commissioners and registers and receivers are here on file, and an examination of the same in connection with the statutes will generally determine whether any claim reported as aforesaid is of a class which has been confirmed by an act of Congress, but unless a claim remains *unsatisfied*, the issuance of certificates of location for other lands in lieu thereof is not authorized by law.

I therefore respectfully ask for instructions for my guidance in this and analogous cases where I have exhausted my resources and found it impossible, so far, to establish the original *locus* of the lands for which indemnity with scrip is applied for.

In the claim in question the concession by the former government was in nowise in the nature of a "float," but an order of survey granted by a person vested with proper authority for a specific tract of land on a designated water-course, described as bounded on one side by the land of "Bertrand the tailor," and on the other by the vacant royal domain. The evidence taken by direction of the commissioners showed also that the land had long been inhabited and cultivated.

What disposition, then, was made of the tract conceded if actually settled upon (or of her *rights* therein), by the confirmee, or her legal representatives, prior to or after the passage of the confirmatory act? Did she, or they, allow the lands granted and confirmed to them upon said bayou to be absorbed by other claims or public surveys, totally, and without a protest (which would have tended to preserve a knowledge of the alleged boundaries of the claim, natural or artificial), or without a valuable consideration from any person?

I am of the opinion that in cases of this character, where, after a careful examination, this office fails to discover any of the boundaries of the tract originally granted, where no practical way is found for ascertaining whether a claim has ever been satisfied *indirectly*, the persons claiming to be the present parties in interest should be required to furnish satisfactory evidence, establishing at least an *approximate* location of the land for which indemnity with scrip is demanded; otherwise, it is impracticable for this office to determine *for itself* the legality of the surveyor-general's action in issuing certificates.

Such locations should be proven within the smallest area possible, in order that interferences may be readily examined, and search made for evidence touching the satisfaction of a claim in *any manner*; and in the event of the non-satisfaction thereof being apparent, the legal representatives will have brought themselves clearly within the provisions of the statute under which they apply for relief; provided, of course, that such claim is of the confirmed class and otherwise legitimate.

There are a considerable number of Louisiana private claims (other than donation cases) awaiting adjudication in this office, confirmed by various acts, in which scrip under the act of 1858 has been issued, but in which, from the data accessible, neither the surveyor general of Louisiana nor this office can ascertain the original *locus* of the land involved.

If it shall be held that the *failure to ascertain* such locations through the medium of the public surveys and other official records is sufficient evidence that they have never been located or satisfied by the *United States*, and if, in your opinion, the proviso in regard to non-satisfaction in the third section of the aforesaid act of 1858 relates only to non-satisfaction by *this government*, the certificates of location in the claim of Madam Bertrand and others on file can be completed and delivered; but this manner of disseminating scrip under said act appears unsatisfactory.

I have retained the certificates Nos. 377 A and B on the files of this office, and transmit herewith for your consideration the surveyor general's letter dated September 14, 1877 (No. 90,256), with its five inclosures, A, B, C, D, and E.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, May 7, 1879.

SIR: I am in receipt of your letter of the 25th ultimo, requesting instructions relative to the issuance of certificates of location in lieu of the confirmed private land claim of Madam Bertrand, under an act of Congress approved June 2, 1858 (11 Statutes, pp. 294, 295).

The facts are as follows: On May 19, 1787, Estavan Miro, then governor of Louisiana, granted an order of survey to Madam Bertrand for 800 superficial arpens of land, viz, 20 arpens front by 40 arpens in depth, situated on the bayou Plaquemines Brule, in the county of Opelousas, bounded on one side by land of Bertrand Tailleur and on the other by vacant land.

This claim was presented to the board of land commissioners for the western district

of Louisiana for registration and classification under acts of Congress approved March 10, 1812, and February 27, 1813, and by report dated December 20, 1815, said commissioners recommended its confirmation. (Claim No. 23 of class 2, American State Papers, by Duff Green, vol. 3, pp. 153 and 154.)

This claim was confirmed by act of Congress entitled "An act confirming certain claims to lands in the western district of Louisiana," approved February 5, 1825. (4 Statutes, 81.)

On November 23, 1833, Surveyor General H. B. Twist ordered a survey of said claim, but no action appears to have been taken under said order.

On September 14, 1877, the surveyor general of Louisiana issued two certificates of location aggregating 680.56 acres, in satisfaction of said claim, in pursuance of the provisions of section 3 of an act of Congress approved June 2, 1858, which authorizes the issuance of scrip in lieu of confirmed private land claims which have not been located or satisfied for want of a specific location prior to confirmation, or for any other reason other than the discovery of fraud subsequent to confirmation.

No proof has been offered by the claimant or her alleged legal representatives tending to show where the claim should have been located, and you state that the records of your office fail to show whether this claim was or was not confirmed to some other person, and also that said records furnish no data from which the boundaries of the claim can be identified. In the absence, therefore, of any proof as to the original location of the claim, you request instructions as to your right to issue scrip in satisfaction of the same.

In reply, I have to inform you that I am of opinion that the actual or approximate location of the boundaries of the claim should be established by satisfactory proof prior to the issuance of scrip as indemnity for the same. In no other way can the interests of the government be protected against the issuance of scrip a second time for the same land, in the name of another claimant, a proceeding not contemplated by the law-makers, or authorized by the act of 1858.

The papers transmitted with your letter of April 25, 1878, are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

Claim of Sylvester Bassié.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 6, 1879.

SIR: I have the honor to submit for your consideration the claim of *Sylvester Bassié* (or Bassier), entered as No. 11 B, in the report of the commissioners for the western district of Louisiana, and county of Natchitoches, dated May 4, 1815. (Am. State Papers, Green's ed., vol. 3, pp. 73 and 75.)

"Sylvester Bassier, eight hundred arpens. This claim is held under an order of survey of the usual form and conditions, and bearing date 18th April, 1789. Joseph Lamber, before the board the 23d February, 1813, hath deposed that the land was always known by him and every other that he spoke with on the subject to be the property of the claimant; that he had every opportunity to know it, as he had been constantly residing in the quarter where the land lies, where he was born and raised, being now aged thirty-two years.

"Joseph Towzin, before John C. Carr, then parish judge of Natchitoches, the 9th September, 1811, commissioned by the board to take his evidence, has deposed that he recollects very distinctly that Sylvester Bassier was living upon the tract of land granted to said Bassier by the concession (above mentioned) some time in the year one thousand seven hundred and eighty-eight, and that the said Bassier was then occupied in clearing said land by his slaves. The deponent says the said land is situated on the Bayou Plat, in the parish aforesaid.

"Louis Metoyer, by his attorney, has made known to the board that the said Louis Metoyer claims the land in question under an order of survey dated 18th May, 1796, and that the said Louis has complied with the requisitions of the Spanish Government, except in having the land surveyed, which could not be done on account of the then surveyor of the post having become blind, &c.

"There has also been filed with the notice of the claim a certificate by John Bte. Pailliet, calling himself surveyor of the district of Natchitoches, dated 11th June, 1805, and setting forth that he had at the request of Sylvester Bassier surveyed the land claimed by said Bassier, according to his concession dated 18th April, 1789, in presence of the adjoining neighbors, who made no objections thereto; but they found on the land Louis Metoyer, a free man of color, who said he considered himself as having an equal right to said land.

"A letter from Louis C. De Blanc, justice of peace in Attakapas, to the judge of Natchitoches, of which the following is a translation, has been filed: 'That having been commandant of Natchitoches gives the judge information that there is in his office a file containing several *requettes* for land which has been reunited to the domain by several inhabitants. Among others, one of S. Bossier's, who, in relinquishing his, said to me that the land was not worth the expense of the half of a bridge he should have to build on Bayou Plat, his limit. The said land was afterwards granted to Louis Metoyer, free mulatto, who has been for several years in peaceable possession of the same. I swear on my religion, my conscience, and my honor that this declaration is true, that you may be on your guard against those who now wish to claim those titles to make an unjust use of them, having lost all right to them, not only by their reunion to the domain, the same lands having been granted to others, but because they have not complied with the words of the decree as the law directs. June 20, 1805.'

"Another letter from Mr. De Blanc to Pierre Metoyer, on the same subject, and of the same date, is likewise filed with the notice.

"The original petition of Bossier for the land in question, together with the order of survey, having been adduced and filed with the notice, and there appearing no written abandonment of title, the undersigned commissioners are of opinion that the claim of the said Bossier ought to be confirmed, leaving the question of right between the adverse claimants for their own adjustment, or to be determined by course of law."

Such is the history of the Bossier claim as shown by the manuscript report of the commissioners on file; and it is alleged to have been fully confirmed by the act approved April 29, 1816, Stats. 3, pp. 328, 329.

The surveyor-general of Louisiana, under date of October 1, 1877, issued three certificates of location under the act of June 2, 1858, in full satisfaction of the claim, Nos. 388, A to C, inclusive, for 680.56, or 800 arpens of lands; and in his letter of even date, transmitting the scrip, he reports that, after a careful examination of the field-notes of public surveys, abstracts of private land-claims, township maps, &c., he is convinced that the claim has never been located, or otherwise satisfied in whole or in part.

Furthermore, the land embraced in the claim of Sylvester Bossier was also claimed by Louis Metoyer, under an order of survey of 1794; that Metoyer seems to have pushed his claim to a confirmation before the board of commissioners, as certificate of confirmation No. 1953 B was issued to him on the 13th April, 1812, and the following year the land was surveyed and his claim duly located.

Bossier appears to have postponed to a later date his application for confirmation, and the commissioners, after consideration, concluded not to issue a second certificate for the same land, but to report the claim of Bossier, with their recommendation.

The surveyor-general continues: "I hesitated some time to issue certificates for this claim, as the recommendation of the commissioners seemed to limit the claimant to a question of *right* to be determined by *law*. It however appears that Bossier's claim was never located, and never shown on the maps of public surveys, and that he was never able to test the question of right to the land by any legal process."

The said certificate No. 1953 B was issued to Louis Metoyer and reported by the board in their returns of certificates issued during the months of April and May, 1812. The claim was surveyed and located upon section 17, township 7 north, range 6 west, Louisiana, and Valentine King, register, at Opelousas, on the 26th June, 1827, issued patent certificate No. 30 in the case for 911.60 acres, the area of said section according to the plat of survey thereof, approved June 10, 1827, and the land was patented to said Metoyer under date of October 12, 1830. (See Louisiana Patents, vol. B, p. 22.)

Upon examination of the files and records of this office I find no further data than that already given. To me it appears that the question of *legal occupancy* between Metoyer and Bossier was an open one at the date of the report, and that the commissioners intended to give both parties an *equal status* so far as they were able, and leave the question of superior rights in the premises to be determined by the proper courts.

Metoyer by exercising greater diligence obtained a correct survey of his claim and a patent for the same in place. I am therefore of the opinion that as Bossier failed to pursue the advantage accorded him by the confirmatory act, made no effort to obtain a survey and patent certificate through the United States, neglected to have applied the test of the *law* in the matter of the superior rights he claimed to possess in the land by virtue of the order of survey granted by a former government, the case so far as this office is concerned is *res judicata*, and the remedy indicated by the act of 1858 cannot here be applied.

That act provided scrip indemnity in certain unlocated and unsatisfied claims which had received an unqualified confirmation by Congress; but I do not understand that the act of April 29, 1816, confirmed Bossier's claim for 800 arpens without reserve. It appears to have confirmed the claim *in accordance with the recommendation of the commissioners* in order that a more competent tribunal than the board—as properly con-

stituted court with power to elicit all the facts—might decide whether *Bossier* or *Metoyer* was entitled to the land in dispute, and the present applicants for scrip can yet take this proper though long-delayed course of action.

Holding this view of the case, I submit it to you for such instruction as you may deem proper to give relative to the issuance of the certificates of location applied for.

I have retained the scrip referred to on file, and transmit herewith the surveyor general's letter of October 1, 1877 (M 94, 233) with four inclosures, marked A, B, C and D.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, July 24, 1879.

SIR: I have considered your request of the 6th ultimo, for instructions respecting the private claim of Sylvester Bossié (or Bossier), entered as No. 11 B, in the report of the commissioners for the western district of Louisiana, and county of Natchitoches, dated May 4, 1815. (Am. State Papers, vol. 3, pp. 73 and 75, Duff Green's edition.)

This report recites the filing of a petition, and order of survey issued by the former government on the 18th of April, 1789, and the production of testimony before the board showing settlement of Bossier; and also the filing of a certificate of the district surveyor, dated June 11, 1815, setting forth that he had, at the request of Bossier, surveyed the land in the presence of adjoining neighbors, who made no objection thereto, but that they found on the land Louis Metoyer, a free man of color, who said he considered himself as having an equal right to the land.

The report also recites that Louis Metoyer, by his attorney, has made known to the board that he claims the land in question under an order of survey, dated 18th May, 1796, and has complied with the requisitions of the Spanish Government in perfecting his title except in having the land surveyed, which could not be done on account of the then surveyor of the post having become blind, &c.

Then follows a recital of the filing of allegations tending to show an abandonment of the claim by Bossier, by a remission to the domain, and the surrender of his *requette* or request.

The report concludes as follows: "The original petition of Bossier for the land in question, together with the order of survey, having been adduced and filed with the notice, and there appearing no written abandonment of title, the undersigned commissioners are of opinion that the claim of the said Bossier ought to be confirmed, leaving the question of right between the adverse claimants for their own adjustment, or to be determined by course of law."

They accordingly reported it in class B, and it was so submitted to Congress by Commissioner Meig's letter of 18th January, 1816, and was one of the cases included in the act of April 29, 1816 (3 Stats. p. 328), which enacts: "That the claims marked B and described in the several classes in the above mentioned reports of the commissioners for the western district of Louisiana, formerly territory of Orleans, and recommended by them for confirmation, be, and the same are hereby confirmed."

It now fully appears by the record that Louis Metoyer had already in 1812 obtained full confirmation under the fourth section of the act of March 3, 1807 (2 Stats., p. 440), and had procured a survey and location in 1813, which was afterward, upon the completion of the United States surveys in 1827, found to embrace section 17, township 7 north, range 6 west, and was carried into patent in his favor in 1830.

It is not shown that Bossier availed himself of his title by confirmation to contest the right of Metoyer in the courts, although he may have done so, no record upon that point being furnished. That this remedy was suggested in the report of the commissioners does not, in my judgment, restrict the confirmation or in any wise affect it. He had the right without the suggestion, and the act following the recommendation is an absolute confirmation, without any control of the use to be made of the title by the confirmee. He might litigate, or he might acquiesce in the adverse possession of Metoyer until barred by the statutes of limitation.

The act of June 2, 1858 (11 Stats., p. 294), coming to the aid of unsatisfied claims confirmed by Congress, is now invoked by the legal representatives of Bossier, and the surveyor-general of Louisiana has issued scrip certificates of location Nos. 388, A, B, and C, in satisfaction of the claim for 640.56 acres, or 800 arpens of land; his records showing no location or satisfaction of said claim heretofore.

You decline to approve the certificates on the ground that the confirmation was qualified by the recommendation of the commissioners that the claimant be left under it to adjudicate or contest with the opposing claimant.

Much as I might desire to prevent what appears on its face to be a double satisfac-

tion of settlement claims to the same land, I cannot avoid the force of the direct confirmation of this claim by Congress, with the same record in its possession or accessibility to it, that is now before me.

If a mistake was made the language of the act of 1858 seems expressly directed to assume the entire responsibility, and provides for the issue of scrip if the claim, in whole or in part, has not been located or satisfied "for any reason whatever other than a discovery of fraud in such claim subsequent to such confirmation."

I am, therefore, of the opinion that the certificates may be authenticated upon a full affirmative showing that no successful proceedings were ever had for the recovery from Metoyer of the land, or any portion thereof, patented to the latter, and comprising the original claim confirmed to each.

You are instructed accordingly, and the papers are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

Claimants under Bosra, an Indian.

DEPARTMENT OF THE INTERIOR,
Washington, June 20, 1879.

SIR: I have considered the application of the claimants under Bosra, an Indian, for a survey and a patent of a tract of 301 acres of land in Louisiana, on appeal from your decision of February 7, 1877, rejecting said application.

The facts in relation to the grant to Bosra are fully stated by you.

In the report of the register and receiver dated December 30, 1815 (Am. State Papers, vol. 3, page 213, Green's ed.), they say: "The register and receiver are of opinion that Bosra has a valid title in the land claimed, with the restrictions imposed on other Indian titles within the limits of the United States. They therefore recommend the claim for confirmation."

The act of Congress approved February 5, 1825, is as follows:

"That all the claims to land embraced in the report made by the commissioners appointed for adjusting the titles and claims to land in the western district of Louisiana upon the thirtieth day of December, eighteen hundred and fifteen, and recommended by them for confirmation, be, and the same are hereby, confirmed: *Provided*, That no person or persons shall be entitled, by any one claim, to a greater quantity than one league square under this act."

It appears that under the Spanish government Bosra had the right to transfer the tract claimed by him, subject to approval by the Spanish authorities.

He sold the land to William Penrice October 6, 1807, long after Spain had ceased to exercise jurisdiction over the Territory, and this fact must have been known to the register and receiver when they recommended the claim for confirmation.

I am unable to understand what meaning the register and receiver intended to convey by the use of the expression that Bosra had a valid title to the land claimed, with the restrictions imposed on other Indian titles within the limits of the United States, or what object they had in inserting the clause, except as simply explanatory of the claim.

If, in their opinion, Bosra had no right to transfer the land by reason of the prohibition contained in our Indian non-intercourse acts, it is not reasonable to suppose that they would recommend Congress to confirm to Bosra a mere right of occupancy, when they had knowledge of the fact that he had years before transferred the land, and had abandoned to another the occupancy of the same.

The case has been elaborately argued by learned counsel, but I do not deem it essential at this time to employ argument either to sustain or controvert the propositions submitted.

After a careful examination of the report published on pages 212 and 213, vol. 3, of Am. State Papers, I am of the opinion that said report is simply explanatory, except the closing line, in which "they, therefore, recommend the claim for confirmation." This was an unqualified recommendation that a claim to 301 acres of land be confirmed, and this was not a claim to a mere right of occupancy of a tract indicated, but an unqualified and absolute claim to the possession, the right of possession, and the right of property in said land. The confirmatory act of February 5, 1825, was equally as explicit; it states that the claims recommended for confirmation "be and the same are hereby confirmed."

If there were any defects in the title of Bosra at its inception or subsequent thereto, they were cured by the act of Congress above cited; hence, in my opinion, it is not necessary to discuss the question of such defects, real or alleged. Congress confirmed the claim without qualification, and the effect of that act cannot be abridged by an executive department.

I am of the opinion that a patent should issue for the land for the benefit of Bosra, or his legal representatives.

The papers in the case are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

Claims of Daspit St. Amand, and Paul Toups.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 11, 1879.

SIR: Under the act of Congress of March 2, 1805 (2 Stats., 324), the act of April 21, 1806 (2 Stats., p. 391), and March 3, 1807 (3 Stats., p. 440), the commissioners authorized by said acts to pass upon claims to land in the eastern district of Orleans Territory confirmed the private land claims of the children of Paul Toups. (2 Am. State Papers, p. 324, No. 74.) This decision was final against the United States. (Act of March 3, 1807, sec. 4.)

The private land claim of Daspit St. Amand (3 Am. State Papers, p. 225, No. 529) was confirmed by act of Congress of May 11, 1820. (3 Stats., pp. 573, 575.)

Each of these tracts of land was surveyed by Maurice Hauké, United States deputy surveyor.

It appeared from his surveys that there was a conflict between these claims, a certain portion of the land being embraced within the limits of each.

Though both of these claims were already duly confirmed, they were again confirmed according to the survey of Maurice Hauké, by act of Congress of August 18, 1856. (11 Stats., p. 473.)

Patents were issued for said claims on the 7th day of August, 1876, to Ambrose Lanfear, who had succeeded to the rights of the original claimants, and who was the confirmee named in the act of August 18, 1856. (11 Stats., p. 473.)

Section 3 of the act of June 2, 1858 (11 Stats., p. 295), provides that "where any private land claim has been confirmed by * * * Congress, and the same, in whole or in part, has not been located or satisfied, either for want of specific location prior to such confirmation or for any reason whatsoever other than a discovery of fraud in such claim subsequent to such confirmation," certificates of location shall issue for a quantity of land equal to that so confirmed and unsatisfied.

The surveyor general of Louisiana, having decided that the claim of the children of Paul Toups was prior in confirmation, found and certified that 1,690.45 acres of the claim of Daspit St. Amand remained unsatisfied.

It is now suggested that because both of these claims were confirmed by the act of 1856 and to the same person, they were consolidated into one claim, and that the confirmee, therefore, is not entitled to certificates of location.

Although confirmed by the same act, they are confirmed as distinct and separate claims, according to separate surveys, and there is nothing in the act by which one can infer that the tracts of land are contiguous. If the claims had been widely separated and one of them had been unsatisfied, because conflicting with other land already owned by the claimant, could it have been said that the claims so conflicting were consolidated with his other land? The act confirms them as separate and independent claims, having separate origins, and not as one claim or one tract of land.

When a tract of land is confirmed to several individuals it may yet constitute but one claim. One man may make several separate and distinct claims to several tracts, and if confirmed as separate and distinct claims they are not necessarily consolidated because confirmed to one man. In this case all the acts of confirmation having treated the claims as separate and independent, there seems to be no ground to argue that the claims have been consolidated.

It has been suggested that this application for scrip might be affected by the act of June 21, 1860 (12 Stats., p. 266), repealing section two of the act of June 2, 1858, "and all other parts of said act which relate to lands in Louisiana confirmed by said second section." As said section does not confirm the claims under consideration, nor even allude to them, the repealing act cannot affect this application.

An application for scrip on account of a claim confirmed by said second section would raise the question suggested, and it will be the proper time to discuss and determine the question when it arises.

It appears from the records of this office that said Ambrose Lanfear was the owner of these two claims prior to their survey, he having purchased each of them as an entirety, without reference to their survey, and the applicants for scrip are his legal representatives.

Being of the opinion that the certificates of location issued by the surveyor general

as aforesaid, to satisfy the unlocated portion of the confirmed claim of Daspit St. Amand, are in accordance with the requirements of said act of June 2, 1858, and should therefore be approved by this office, I submit the case for your consideration and such instructions as you may deem proper.

The papers are herewith submitted.

Very respectfully, your obedient servant,

J. M. ARMSTRONG,
Acting Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, September 17, 1879.

SIR: I have considered your request for instructions, dated 11th instant, in the matter of the approval of scrip issued by the surveyor general of Louisiana, in part satisfaction of the private claim of Daspit St. Amand, referred to in 3d American State Papers, p. 225, No. 529, confirmed by act of Congress of May 11, 1820 (3 Stats., pp. 573, 575).

This claim upon being surveyed conflicted with the confirmed claim of the children of Paul Toups (2d Am. State Papers, p. 325, No. 74), and by act of August 18, 1856 (11 Stats., p. 473), the surveys were confirmed as against the United States in favor of Ambrose Lanfear, who had become the purchaser of both titles from the respective confirmees.

You submit the question whether or not the union of these separate titles in the same confirmee creates a merger of the junior in the elder confirmation, so as to defeat the right to scrip under the provisions of the subsequent act of June 2, 1858 (11 Stats., p. 295).

Upon examination of the facts, and the various statutes cited by you, on which the entire right of both claims depends, I am of the opinion that the act of 1856 has sole reference to the adjustment of boundaries as fixed by the surveys in question, between said claims and certain other parties, settlers upon the lands; and that no merger of title or restriction of right as respects either claim was intended.

This being so, the later remedial statute operated upon either of said claims which might fail of full satisfaction, and provided for the issue of scrip to supply such deficiency.

Your views, in harmony with the foregoing, are concurred in by the department, and I herewith return the papers submitted.

Very respectfully,

A. BELL,
Acting Secretary.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

SOUTHERN PUBLIC LANDS.

Congress, on the 22d of June, 1876, passed an act repealing section 2303 of the Revised Statutes of the United States, which inhibited the disposal of the public lands in the States of *Florida, Alabama, Mississippi, Louisiana, and Arkansas*, otherwise than to actual settlers, under the provisions of the homestead laws. The repealing act provided that the public lands affected thereby should be offered at public sale as soon as practicable, according to the provisions of existing law, and that they should not be subject to ordinary private entry until after they were so offered.

The carrying of this law into effect made necessary a vast amount of work, in addition to the current official business of the office.

In order to ascertain and select the vacant tracts for restoration to market, it was deemed proper to make up descriptive lists thereof from the records of this office, and after comparing them with similar lists made up from the records of the several district land offices, and correcting all errors found to exist therein, to have executive proclamations prepared and issued, and the land offered for sale in the manner prescribed in chapter 7, title 32, Revised Statutes of the United States.

The public lands in the State of *Florida* have now all been proclaimed and offered at public sale. The lands embraced in the former New-

nansville land district, which lie south of the base line, were offered at the district land office at Gainesville on the 29th October, 1878. The lands embraced within the former Tampa district, which comprise all of the peninsula of Florida lying south of the line between townships 19 and 20 south, were offered on the 15th April, 1879. The lands embraced within the former Tallahassee and Saint Augustine districts, with a small portion of the former Newnansville district lying north of the base line, were offered on the 6th May, 1879.

The vacant public lands in the State of *Alabama*, included in the former Saint Stephen's, Demopolis, Elba, Greenville, Montgomery, and a part of the former Lebanon districts, comprising considerably more than one-half of the State, were proclaimed and offered, the greater portion at the Montgomery land office November 19, 1878, and the remainder at the Mobile office on the 26th of the same month. The work of perfecting the lists of public lands in the northern part of the State, comprising the former Tuscaloosa and Huntsville land districts and the northern portion of the former Lebanon district, was suspended until an investigation could be had in view of allegations having been made that the lands were in a great part *mineral*, and not legally subject to sale as agricultural lands. An examination of the alleged mineral lands was made by a special agent dispatched to Alabama for the purpose, and the lands shown by his report to be mineral, covering about one-half of the Huntsville district and probably one-third of the former Tuscaloosa district, have been withheld from offering. The public lands in the Huntsville district not withheld as containing mineral, and the northern part of the former Lebanon district, have just been proclaimed, and will be offered at the district land office at Huntsville, January 18, 1880, while that portion of the public lands in the former Tuscaloosa district not reported as mineral is now ready and will be proclaimed and offered at an early day.

The vacant lands in the State of *Mississippi* were all offered at the district land office at Jackson, December 3, 1878.

In the State of *Louisiana*, lists have been made up embracing all the public lands found to be vacant on examination of the records of this office and of the district offices. The lands found to be vacant in the former Opelousas district were proclaimed and offered at the district land office at New Orleans, May 26, 1879. The lands in the Southeastern, Greensburg, and Monroe districts were offered at the same place, August 26, 1879. The residue of the lands in the State, comprising the Northwestern or Natchitoches district, will be proclaimed as soon as discrepancies between the records of this office and the records of the district office at Natchitoches can be inquired into and the errors corrected.

The vacant public lands in *Arkansas* have all been offered at public sale, the offerings having taken place as follows: One at Harrison, beginning October 1, 1877; one at Little Rock, beginning on the 22d of the same month; and one at each of the district offices at Little Rock, Camden, and Dardanelle, beginning February 4, 1878.

ABANDONED MILITARY RESERVATIONS.

The sixth section of the act of Congress, approved June 12, 1858 (11 Stat., p. 336), provides that lands embraced in abandoned military reservations, except in Florida, shall not be subject to the operation of the general laws for the disposal of the public lands of the United States, and they can only be disposed of in such manner as may from time to time be provided for by special enactment.

The act of Congress of February 24, 1871 (16 Stat., p. 430), provided for the disposal of the following useless and abandoned military reservations: Forts Lane, in Oregon; Walla Walla, in Washington Territory; Camp McGarry, in Nevada; Zarah, in Kansas; Sumner, in the Territory of New Mexico; Jesup and Sabine, in Louisiana; Wayne and Smith, in Arkansas; a part of Abercrombie, in Minnesota, and a portion of Bridger, in the Territory of Wyoming.

The reservation of Fort Walla Walla, in Washington Territory, was returned to the custody of the War Department, as again required for military purposes.

The lands embraced in the reservations at Fort Lane, Fort Zarah, and Fort Jesup were offered at public sale. In the case of Fort Lane there were no bidders. In the case of Fort Zarah and of Fort Jesup there were only a few tracts bid for and sold. Since the offering, the lands covered by these reservations have been subject to private entry at the appraised value, as provided for in said act of 1871.

Congress, by act approved January 30, 1879, provided for laying open the lands formerly embraced in the Fort Wayne, Arkansas, military reservation to entry in the same manner as other public lands in said State. Instructions were accordingly issued by this office to the local land officers at Harrison, Ark.—the district in which said reservation is embraced—March 24, 1879, in pursuance of which forty-five homestead entries have been made, covering 5,198.45 acres, leaving 6,870.68 acres of the reservation remaining unentered.

In the case of the other reservations mentioned in said act of 1871, further action of Congress is deemed necessary for the proper disposal of them, as stated in former reports of this office. In regard to Fort Sabine, Louisiana, Camp McGarry, Nevada, and part of the Fort Bridger reservation in Wyoming Territory, I renew the recommendation made in former reports that Congress legislate for opening the lands to disposal as other public lands, as was done in the case of Fort Wayne, in Arkansas, under the act of January 30, 1879, above alluded to. The same action is recommended in reference to Fort Thorn, New Mexico, and Camp Floyd, Utah, renewing the recommendation in regard thereto found on page 141 of the last annual report of this office.

RESERVATIONS OF PUBLIC LANDS FOR MILITARY PURPOSES.

I have to report that during the fiscal year ending June 30, 1879, reservations of public lands for military purposes were declared, or enlarged, as follows, viz:

In Colorado.—By President's order of January 28, 1879, a reservation of six miles square at Pagosa Springs, excluding the one mile square reserved as a prospective town site, May 22, 1877, was declared for Fort Lewis.

In Dakota.—By President's order dated December 18, 1878, under the provisions of the act of Congress approved June 18, 1878, the reservation of Fort Meade was declared, it being 2 miles wide and about 6 miles long. The public surveys were extended over so much of the reserve as falls in township 5 north, range 5 east, Black Hills meridian, just prior to the date of the order reserving the lands. A small part of the reserve falls in township 6 north, range 5 east, which is unsurveyed.

In Montana.—By President's order dated August 5, 1878, Fort Missoula reservation was enlarged by adding to the post reservation the south half of northeast quarter and the southeast quarter of section 25, of township 13 north, range 20 west; the south half of northeast quarter, south half of northwest quarter, southeast

quarter of southeast quarter, northeast quarter of southwest quarter, and west half of southwest quarter of section 30, of township 18 north, range 19 west.

By President's order dated June 10, 1879, a reservation of timber-land for Fort Missoula, on unsurveyed land, was declared.

In Nebraska.—By President's order dated June 28, 1879, Fort Robinson was enlarged so that the eastern boundary should be $2\frac{1}{2}$ miles from the flagstaff, and the southern, western, and northern boundaries 2 miles from the flagstaff, making a reserve of 18 square miles, besides an additional tract reserved by the order of November 14, 1876, but not included in the order of June 28, 1879.

By Executive order dated April 28, 1879, Camp Sheridan reservation was enlarged on the south by extending the southern limit 8,300 feet.

CLERICAL FORCE AND WORK OF THE GENERAL LAND OFFICE.

The facts and figures which have been given in the course of this report illustrate the extent of the business which this office has to perform, as well as its multifarious character. It must strike every reader that to perform it properly demands the employment of a large number of clerks, and that there should be embraced in the number men of experience and ability. It will not seem improper, therefore, for me again to advert in this place to the insufficiency of existing provisions to meet the requirements of this branch of the public service. It has been often urged already, it is true, that the clerical force of this office needs increase and reorganization, but thus far the representations made in this regard have had but little effect. The corps of clerks provided for would perhaps suffice if the work now to be performed was such as was required twenty-five years ago, when the number and the grades were established nearly as they now exist. At that time the principal method of disposing of the public lands was by ordinary cash sales. The laws and regulations governing the matter were few, simple, and easily understood. The purchaser paid his money, indicating the tract desired, and this having been made matter of record left but little to be done to complete the transaction. Since then the policy of the government has changed. The agricultural public lands are held for disposal to actual settlers under the pre-emption, homestead, and timber-culture laws, which prescribe conditions the performance of some of which extends through a number of years, and which require proofs of compliance to be made, with proper safeguards against fraud. Incidental to these methods of disposal, innumerable contests arise, which require the hearing and passing upon testimony by the district land officers, with the right of appeal first to this office, and then to the department proper, before a final decision is had. In regard to mineral lands Congress has enacted a complicated system of laws for the disposal thereof. It has also made immense grants of lands for railroads and other purposes, which come before this office for adjustment. That there has been a change in the work of administration corresponding to these changes in the system of land laws is a matter of course. Yet no corresponding change has been made in the means of performing it. In this respect there has been no considerable change in twenty-five years, and it is certainly time that adequate measures were adopted to bring this office into a proper condition for discharging promptly and efficiently the difficult and important duties devolving upon it under the laws of Congress.

Respectfully submitted.

J. M. ARMSTRONG,
Acting Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

No. 1.—*Tabular statement showing the number of acres of public lands surveyed in the following land States and Territories up to June 30, 1878, during the present fiscal year, and the total of the public lands surveyed up to June 30, 1879; also, the total area of the public domain remaining unsurveyed within the same.*

Land States and Territories.	Areas of public lands in States and Territories.		Number of acres of public lands surveyed.				Total area of public and Indian lands remaining unsurveyed, and of course unoffered, and undisposed of, inclusive of the area of private land claims surveyed up to June 30, 1876.
	In acres.	In square miles.	Up to June 30, 1878.	Prior to June 30, 1878, not heretofore reported.	Within the fiscal year ending June 30, 1879.	Total up to June 30, 1879.	
Wisconsin.....	34, 511, 360	53, 924	34, 511, 360	.....	.....	34, 511, 360	.....
Iowa.....	35, 228, 800	55, 045	35, 228, 800	.....	.....	35, 228, 800	.....
Minnesota.....	53, 459, 840	83, 531	39, 172, 415	.....	364, 524. 75	39, 536, 940	13, 922, 900
Kansas.....	51, 770, 240	80, 891	51, 770, 240	.....	.....	51, 770, 240	.....
Nebraska.....	48, 636, 800	75, 995	39, 936, 807	.....	778, 764. 20	40, 715, 571	7, 921, 229
California.....	100, 992, 640	157, 801	46, 347, 402	340, 024. 70	1, 292, 116. 07	47, 979, 543	53, 013, 097
Nevada.....	71, 737, 600	112, 090	11, 538, 890	299, 538. 74	533, 879. 81	12, 372, 308	59, 365, 292
Oregon.....	60, 975, 360	95, 274	21, 127, 862	163, 499. 42	622, 251. 09	21, 913, 612	39, 061, 748
Washington.....	44, 796, 160	69, 994	13, 821, 545	229, 192. 17	685, 065. 44	14, 736, 403	30, 059, 757
Colorado.....	66, 880, 000	104, 500	22, 182, 899	101, 864. 99	1, 069, 758. 82	23, 354, 523	43, 525, 477
Utah.....	54, 064, 640	84, 476	8, 960, 385	192, 713. 18	188, 276. 79	9, 341, 375	44, 723, 265
Arizona.....	72, 906, 240	113, 916	5, 281, 737	.....	5, 499, 353	67, 406, 887	.....
New Mexico.....	77, 568, 640	121, 201	8, 471, 880	38, 188. 65	333, 821. 50	8, 843, 890	68, 724, 750
Dakota.....	96, 596, 480	150, 932	21, 459, 412	265. 66	1, 167, 092. 26	22, 626, 770	73, 969, 710
Idaho.....	55, 228, 160	86, 294	6, 834, 009	99, 419. 92	.....	6, 933, 429	48, 294, 731
Montana.....	92, 016, 640	143, 776	10, 543, 827	.....	518, 724. 11	11, 062, 551	80, 954, 089
Wyoming.....	62, 645, 120	97, 883	8, 101, 049	298, 190. 14	679, 946. 93	9, 079, 186	53, 565, 934
Missouri.....	41, 836, 931	65, 370	41, 824, 000	12, 930. 61	.....	41, 836, 931	.....
Alabama.....	32, 462, 115	50, 722	32, 462, 115	.....	.....	32, 462, 115	.....
Mississippi.....	30, 179, 840	47, 156	30, 179, 840	.....	.....	30, 179, 840	.....
Louisiana.....	26, 461, 440	41, 346	25, 232, 044	.....	(*)	25, 232, 044	1, 229, 396
Arkansas.....	33, 410, 063	52, 202	33, 406, 720	.....	3, 343. 41	33, 410, 063	.....
Florida.....	37, 931, 520	59, 268	30, 103, 796	48, 149. 79	.....	30, 151, 946	7, 779, 574
Ohio.....	25, 576, 960	39, 964	25, 576, 960	.....	.....	25, 576, 960	.....
Indiana.....	21, 637, 760	33, 809	21, 637, 760	.....	.....	21, 637, 760	.....
Michigan.....	36, 128, 640	56, 451	36, 128, 640	.....	.....	36, 128, 640	.....
Illinois.....	35, 465, 093	55, 414	35, 465, 093	.....	.....	35, 465, 093	.....
Indian Territory.....	44, 154, 240	68, 991	27, 003, 990	.....	.....	27, 003, 990	17, 150, 250
Alaska.....	369, 529, 600	577, 390	.....	.....	.....	.....	369, 529, 600
Total.....	1, 814, 788, 922	2, 835, 606	724, 311, 477	1, 823, 977. 97	8, 455, 781. 68	734, 591, 236	1, 080, 197, 686

* 624,948 acres resurveyed in the southwestern district, Louisiana, the original surveys made in 1807 having been totally obliterated in the field by the lapse of time, and the disposition of lands prevented by the inability of settlers and others to describe the lands desired by them to be entered.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, October 30, 1879.

No. 2.—Statement of public lands sold for cash and entered under the homestead and timber-culture acts, with the amounts received therefor, including fees and commissions from all sources, during the fiscal year commencing July 1, 1878, and ending June 30, 1879.

States, Territories, and land offices.	Fiscal year 1879.	Sales of land for cash, and amount re- ceived therefor, including cash re- ceived on commu- ted homesteads.		Lands entered under the homestead acts, with amount of government fees, and registers' and receivers' commissions received thereon.				Lands entered under the timber-culture acts, with amount of govern- ment fees, and registers' and receivers' commis- sions received thereon.				Aggregate of acres disposed of.	Aggregate amount received from all sources.	Incidental ex- penses.	
		Acres.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Amount.	Amount.	
ALABAMA.															
Huntsville.....	1st half	112.39	\$313 02	50,890.60	\$3,435	\$1,856 00	\$5,291 00					51,002.99	\$5,799 02	\$2,616 00	
Huntsville.....	2d half..	78.66	136 70	45,214.11	3,030	1,737 00	4,767 00					45,292.77	5,014 20	2,571 19	
Total.....		191.05	449 72	96,104.71	6,465	3,593 00	10,058 00					96,295.76	10,813 22	5,187 19	
Mobile.....	1st half	109.99	187 45	2,492.44	185	315 60	500 60					2,602.43	638 05	819 35	
Mobile.....	2d half..	66.94	98 46	7,416.06	560	530 85	1,090 85					7,483.00	1,189 31	1,249 95	
Total.....		176.93	285 91	9,908.50	745	846 45	1,591 45					10,085.43	1,827 36	2,069 30	
Montgomery.....	1st half	647.21	920 64	14,245.59	985	950 20	1,935 20					14,892.80	3,576 54	3,125 25	
Montgomery.....	2d half..	3,594.91	5,394 40	37,903.79	2,655	1,486 10	4,141 10					41,498.70	10,067 75	3,693 98	
Total.....		4,242.12	6,315 04	52,149.38	3,640	2,436 30	6,076 30					56,391.50	13,644 29	6,819 23	
Grand total....		4,610.10	7,000 67	158,162.59	10,850	6,875 75	17,725 75					162,772.69	26,284 87	14,075 72	
ARIZONA.															
Florence.....	1st half	7,378.20	4,924 50	1,440.00	115	93 00	208 00	2,480.00	\$155	\$64 00	\$219 00	11,298.20	5,643 00	1,057 98	
Florence.....	2d half..	10,615.69	4,249 00	1,606.68	105	85 50	190 50	800.00	50	20 00	70 00	13,016.37	4,855 50	785 63	
Total.....		17,993.89	9,173 50	3,046.68	220	178 50	398 50	3,280.00	205	84 00	289 00	24,314.57	10,498 50	1,843 61	
Prescott	1st half	1,458.07	1,981 61	1,659.29	110	80 50	190 50					3,117.36	2,405 11	853 10	
Prescott	2d half..	409.57	705 00	360.00	25	13 50	38 50					769.57	930 50	714 60	
Total.....		1,867.64	2,686 61	2,019.29	135	94 00	229 00					3,886.93	3,335 61	1,567 70	
Grand total....		19,861.53	11,860 11	5,066.97	855	272 50	627 50	3,280 00	205	84 00	289 00	28,201.50	13,834 11	3,411 31	

ARKANSAS.														
Camden	1st half	955.46	1,555 18	34,027.07	2,380	1,303 65	3,683 65					34,982.53	5,229 33	2,277 44
Camden	2d half	703.94	1,057 15	28,009.47	1,915	1,083 01	2,998 01					28,713.41	4,395 41	1,349 49
Total		1,659.40	2,612 33	62,036.54	4,295	2,386 66	6,681 66					63,695.94	9,624 74	3,626 93
Dardanelle	1st half	805.33	1,731 63	37,417.08	2,655	1,516 07	4,171 07					38,222.41	6,070 70	2,248 36
Dardanelle	2d half	462.42	689 53	21,254.12	1,535	917 45	2,452 45					21,716.54	3,248 98	2,030 00
Total		1,267.75	2,421 16	58,671.20	4,190	2,433 52	6,623 52					59,938.95	9,319 68	4,278 36
Harrison	1st half	773.21	966 54	24,186.11	1,650	1,010 07	2,660 07					24,959.32	3,700 61	1,849 65
Harrison	2d half	1,047.85	1,409 83	21,336.15	1,605	975 45	2,580 45					22,384.00	4,213 28	1,867 74
Total		1,821.06	2,376 37	45,522.26	3,255	1,985 52	5,240 52					47,343.32	7,913 89	3,717 39
Little Rock	1st half	196.29	295 37	13,926.92	965	641 17	1,606 17					14,123.21	1,939 54	2,590 81
Little Rock	2d half	567.76	909 69	23,186.78	1,605	1,148 53	2,753 53					23,754.54	3,883 72	2,631 19
Total		764.05	1,205 06	37,113.70	2,570	1,789 70	4,359 70					37,877.75	5,823 26	5,222 00
Grand total		5,512.26	8,614 92	203,343.70	14,310	8,595 40	22,905 40					208,855.96	32,981 57	16,844 68
CALIFORNIA.														
Bodie	1st half												80 00	
Bodie	2d half	5,491.10	3,982 51	3,360.00	210	156 00	366 00					8,851.10	5,377 51	2,690 95
Total		5,491.10	3,982 51	3,360.00	210	156 00	366 00					8,851.10	5,457 51	2,690 95
Humboldt	1st half	17,033.20	31,204 49	21,530.19	1,415	1,150 03	2,565 03					38,563.39	34,435 52	3,108 70
Humboldt	2d half	4,707.11	8,677 89	7,169.59	465	339 50	804 50					11,876.70	9,800 39	1,377 54
Total		21,740.31	39,882 38	28,699.78	1,880	1,489 53	3,369 53					50,440.09	44,235 91	4,486 24
Los Angeles	1st half	7,224.79	9,967 65	7,538.36	530	571 50	1,101 50	80.00	5	4 00	9 00	14,843.15	11,692 15	1,920 59
Los Angeles	2d half	2,113.00	3,032 26	7,126.47	480	570 00	1,050 00	1,620.92	110	52 00	162 00	10,860.39	4,920 33	1,870 35
Total		9,337.79	12,999 91	14,664.83	1,010	1,141 50	2,151 50	1,700.92	115	56 00	171 00	25,703.54	16,612 48	3,790 94
Marysville	1st half	9,874.01	20,552 48	13,653.44	925	1,178 91	2,103 91					23,527.45	23,599 89	2,835 57
Marysville	2d half	3,751.56	8,216 33	18,107.56	1,013	1,158 92	2,171 92					21,859.12	12,978 25	3,214 59
Total		13,625.57	28,768 81	31,761.00	1,938	2,337 83	4,275 83					45,386.57	36,578 14	6,050 16
Sacramento	1st half	9,749.57	16,932 86	14,168.04	945	1,323 22	2,268 22	160.00	10	8 00	18 00	24,077.61	20,348 08	4,471 65
Sacramento	2d half	3,292.93	6,318 93	18,993.91	1,170	1,450 72	2,620 72					22,286.84	9,835 65	1,725 16
Total		13,042.50	23,251 79	33,161.95	2,115	2,773 94	4,888 94	160.00	10	8 00	18 00	46,364.45	30,183.73	6,196 81

No. 2.—Statement of public lands sold for cash and entered under the homestead and timber-culture acts, &c.—Continued.

States, Territories, and land offices.	Fiscal year 1879.	Sales of land for cash, and amount re- ceived therefor, including cash re- ceived on commut- ed homesteads.		Lands entered under the homestead acts, with amount of government fees, and registers' and receivers' commissions received thereon.				Lands entered under the timber-culture acts, with amount of government fees, and registers' and receivers' commis- sions received thereon.				Aggregate of acres disposed of.	Aggregate amount received from all sources.	Incidental ex- penses.	
		Acres.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Amount.	Amount.	
CALIFORNIA—Cont'd															
San Francisco	1st half .	22,313.10	\$32,994 53	29,447.36	\$1,985	\$2,106 00	\$4,091 00	49.82	\$10	\$4 00	\$14 00	51,760.46	\$40,965 03	\$3,023 95	
San Francisco	2d half..	3,149.28	5,827 98	18,731.88	1,175	1,107 50	2,282 50					21,930.98	9,991 58	4,040 00	
Total		25,462.38	38,822 51	48,179.24	3,160	3,213 50	6,373 50	49.82	10	4 00	14 00	73,691.44	50,956 61	7,063 95	
Shasta	1st half	3,961.04	9,175 85	7,691.78	515	723 00	1,238 00					11,652.82	16,354 10	2,716 49	
Shasta	2d half..	2,787.47	5,585 07	8,298.93	445	518 47	963 47	160.00	10	4 00	14 00	11,246.40	7,352 54	2,679 61	
Total		6,748.51	14,760 92	15,990.71	960	1,241 47	2,201 47	160.00	10	4 00	14 00	22,899.22	23,706 64	5,396 10	
Stockton	1st half .	5,251.96	9,687 95	6,309.91	395	637 01	1,032 01	160.00	10	4 00	14 00	11,721.87	11,686 96	2,149 81	
Stockton	2d half..	5,226.04	9,163 97	9,038.27	550	728 36	1,278 36	480.00	30	12 00	42 00	14,744.31	11,109 33	2,354 59	
Total		10,478.00	18,851 92	15,348.18	945	1,365 37	2,310 37	640.00	40	16 00	56 00	26,466.18	22,796 29	4,504 40	
Susanville	1st half .	11,313.77	14,737 60	9,482.42	615	810 13	1,225 13	720.00	50	20 00	70 00	21,516.19	16,622 73	2,282 08	
Susanville	2d half..	8,282.73	8,951 73	11,670.67	745	669 52	1,414 52	3,590.79	240	112 00	352 00	23,544.19	11,180 25	1,930 53	
Total		19,596.50	23,689 33	21,153.09	1,360	1,279 65	2,639 65	4,310.79	290	132 00	422 00	45,060.38	27,802 98	4,212 61	
Visalia	1st half .	11,950.50	9,589 42	5,713.61	365	639 50	1,004 50	6,555.14	415	180 00	595 00	24,219.25	11,864 92	2,218 83	
Visalia	2d half..	3,814.75	4,836 72	4,981.90	260	441 74	701 74	2,042.14	130	56 00	186 00	10,838.79	6,310 21	1,731 15	
Total		15,765.25	14,426 14	10,695.51	625	1,081 24	1,706 24	8,597.28	545	236 00	781 00	35,058.04	18,175 13	3,949 98	
Grand total ..		141,287.91	219,436 22	223,014.29	14,203	16,080 03	30,283 03	15,618.81	1,020	456 00	1,476 00	379,921.01	276,505 42	48,342 14	
COLORADO.															
Central City	1st half .	1,243.48	2,959 82	1,040.00	65	78 00	143 00					2,283.48	4,003 82	1,563 18	
Central City	2d half..	491.27	1,541 30	2,280.00	145	136 50	281 50					2,771.27	3,044 80	1,889 30	
Total		1,734.75	4,501 12	3,320.00	210	214 50	424 50					5,054.75	7,048 62	3,452 48	

Del Norte	1st half ..	2,719.58	3,649.48	4,386.89	280	205.50	485.50	520.00	35	20.00	55.00	7,626.47	4,430.98	1,032.48
Del Norte	2d half ..	2,276.13	3,082.70	4,177.00	265	243.00	508.00	1,321.00	95	40.00	135.00	7,774.13	4,144.20	1,351.89
Total		4,995.71	6,732.18	8,563.89	545	448.50	993.50	1,841.00	130	60.00	190.00	15,400.60	8,575.18	2,384.37
Denver City	1st half ..	3,086.19	5,333.24	9,677.29	620	1,069.50	1,689.50	6,409.92	415	184.00	599.00	19,173.40	8,273.74	2,532.41
Denver City	2d half ..	1,990.30	3,672.59	9,416.51	600	922.50	1,532.50	6,652.51	420	192.00	612.00	18,059.32	6,681.09	2,735.45
Total		5,076.49	9,005.83	19,093.80	1,220	1,992.00	3,212.00	13,062.43	835	376.00	1,211.00	37,232.72	14,954.83	5,267.86
Fair Play	1st half ..	3,804.76	5,689.98	1,920.00	120	96.00	216.00					5,724.76	6,630.98	1,889.36
Fair Play	2d half ..	6,722.75	11,300.38	3,480.75	220	204.00	424.00					10,203.50	12,806.38	2,047.20
Total		10,527.51	16,990.36	5,400.75	340	300.00	640.00					15,928.26	19,437.36	3,936.56
Lake City	1st half ..	1,479.28	2,978.40									1,479.28	3,307.40	970.56
Lake City	2d half ..	635.61	1,488.65	80.00	5	6.00	11.00	480.00	30	12.00	42.00	1,195.61	1,801.65	787.08
Total		2,114.89	4,467.05	80.00	5	6.00	11.00	480.00	30	12.00	42.00	2,674.89	5,109.05	1,757.64
Pueblo	1st half ..	3,575.70	5,984.60	14,194.00	915	913.50	1,828.50	320.00	30	12.00	42.00	18,089.70	8,532.10	2,231.42
Pueblo	2d half ..	1,621.11	2,026.38	14,709.98	950	891.00	1,841.00	258.60	20	12.00	32.00	16,589.69	4,814.88	2,383.02
Total		5,196.81	8,010.98	28,903.98	1,865	1,804.50	3,669.50	578.60	50	24.00	74.00	34,679.39	13,346.98	4,614.44
Grand total		29,656.16	49,707.52	65,362.42	4,185	4,765.50	8,950.50	15,962.03	1,045	472.00	1,517.00	110,980.61	68,472.02	21,413.35
DAKOTA.														
Bismarck	1st half ..	879.31	2,199.27	1,022.37	65	52.00	117.00	1,595.23	100	40.00	140.00	3,496.91	2,522.27	742.00
Bismarck	2d half ..	212.34	530.85	3,205.51	200	210.00	410.00	6,071.49	389	152.00	532.00	9,489.34	1,586.85	936.08
Total		1,091.65	2,730.12	4,227.88	265	262.00	527.00	7,666.72	489	192.00	672.00	12,986.25	4,109.12	1,678.08
Deadwood	1st half ..	1,527.69	1,278.40									1,527.69	1,870.40	1,172.07
Deadwood	2d half ..	122.08	531.33	5,153.69	325	130.00	455.00	440.00	30	16.00	46.00	5,715.77	2,100.33	1,360.70
Total		1,649.77	1,809.73	5,153.69	325	130.00	455.00	440.00	30	16.00	46.00	7,243.46	3,970.73	2,532.77
Fargo	1st half ..	12,119.85	25,465.87	73,468.53	4,710	2,779.22	7,489.22	87,385.96	5,585	2,248.00	7,833.00	172,974.34	42,196.34	3,235.90
Fargo	2d half ..	7,945.14	16,389.47	221,764.95	13,820	7,700.10	21,520.10	159,336.71	10,010	4,028.00	14,038.00	389,046.80	54,952.12	3,578.73
Total		20,064.99	41,855.34	295,233.48	18,530	10,479.32	29,009.32	246,722.67	15,595	6,276.00	21,871.00	562,021.14	97,148.46	6,814.63
Sioux Falls	1st half ..	13,885.45	26,420.86	97,021.40	5,930	3,574.11	9,504.11	46,149.28	2,960	1,212.00	4,172.00	157,056.13	41,315.97	3,000.00
Sioux Falls	2d half ..	6,301.76	15,440.17	164,041.72	10,310	5,833.18	16,193.18	58,629.76	3,785	1,588.00	5,373.00	229,133.24	39,327.35	3,331.50
Total		20,187.21	41,861.03	261,063.12	16,240	9,457.29	25,697.29	104,779.04	6,745	2,800.00	9,545.00	386,189.37	80,643.32	6,331.50

No. 2.—Statement of public lands sold for cash and entered under the homestead and timber-culture acts, &c.—Continued.

States, Territories, and land offices.	Fiscal year 1879.	Sales of land for cash, and amount received therefor, including cash received on commuted homesteads.		Lands entered under the homestead acts, with amount of government fees, and registers' and receivers' commissions received thereon.			Lands entered under the timber-culture acts, with amount of government fees, and registers' and receivers' commis- sions received thereon.				Aggregate of acres disposed of.	Aggregate amount received from all sources.	Incidental ex- penses.	
		Acres.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Amount.	Amount.
DAKOTA—Cont'd.														
Springfield	1st half	4,477.91	\$5,907.46	36,847.88	\$2,320	\$1,075.00	\$3,395.00	44,352.78	\$2,790	\$1,132.00	\$3,922.00	85,678.57	\$13,959.46	\$2,247.66
Springfield	2d half..	3,613.09	5,809.78	87,117.95	5,460	2,340.00	7,800.00	121,373.51	7,590	3,056.00	10,646.00	212,104.55	25,933.03	4,180.84
Total		8,091.00	11,807.24	123,965.83	7,780	3,415.00	11,195.00	165,726.29	10,380	4,188.00	14,568.00	297,783.12	39,892.49	6,437.50
Yankton	1st half	4,056.06	6,864.44	64,281.94	4,050	1,887.51	5,937.51	87,185.00	5,505	2,228.00	7,733.00	155,523.00	20,970.95	3,000.00
Yankton	2d half..	2,887.00	4,758.77	113,849.71	7,160	3,420.41	10,580.41	119,168.01	7,470	3,032.00	10,502.00	236,064.72	26,979.18	3,226.05
Total		6,943.06	11,623.21	178,131.65	11,210	5,307.92	16,517.92	206,353.01	12,975	5,260.00	18,235.00	391,587.72	47,950.13	6,226.05
Grand total		58,027.68	111,686.67	867,775.65	54,350	29,051.53	83,401.53	731,687.73	46,205	18,732.00	64,937.00	1,657,811.06	273,714.25	30,020.53
FLORIDA.														
Gainesville	1st half	613.80	2,489.23	30,536.08	2,135	1,177.30	3,312.30					31,149.88	5,864.53	3,388.40
Gainesville	2d half..	2,571.08	5,620.32	26,964.50	1,835	1,075.90	2,910.90					29,695.59	8,587.22	3,649.50
Grand total		3,184.89	8,119.55	57,500.58	3,970	2,253.20	6,223.20					60,845.47	14,451.75	7,037.90
IDAHO.														
Boisé City	1st half	5,105.69	3,141.56	16,313.80	1,045	715.50	1,760.50	2,560.34	185	92.00	277.00	23,979.83	5,807.56	1,493.83
Boisé City	2d half..	1,982.73	1,551.25	8,215.97	530	419.50	949.50	2,115.34	150	68.00	218.00	12,314.04	3,201.84	1,628.13
Total		7,088.42	4,692.81	24,529.77	1,575	1,135.00	2,710.00	4,675.68	335	160.00	495.00	36,293.87	9,008.90	3,121.96
Lewiston	1st half	5,187.29	7,835.53	14,479.77	965	623.80	1,588.80	8,717.78	560	232.00	792.00	28,384.84	11,032.07	2,772.28
Lewiston	2d half..	3,117.77	4,501.54	10,722.93	705	507.00	1,212.00	8,657.00	560	236.00	796.00	22,497.70	7,181.65	2,104.13
Total		8,305.06	12,337.07	25,202.70	1,670	1,130.80	2,800.80	17,374.78	1,120	468.00	1,588.00	50,882.54	18,213.72	4,876.41

Oxford	1st half													
Oxford	2d half	599.03	350.00	3,040.00	190	114.00	304.00	584.22	40	16.00	56.00	4,223.25	856.00	1,977.88
Total		599.03	350.00	3,040.00	190	114.00	304.00	584.22	40	16.00	56.00	4,223.25	856.00	1,977.88
Grand total		15,992.51	17,379.88	52,772.47	3,435	2,379.80	5,814.80	22,634.68	1,495	644.00	2,139.00	91,399.66	28,078.62	9,976.25
IOWA.														
Des Moines	1st half	271.48	394.45	988.31	95	896.68	991.68	2,085.34	240	156.00	396.00	4,245.13	2,960.54	3,122.66
Des Moines	2d half	1,578.65	2,176.77	2,185.00	155	1,645.12	1,800.12	3,591.91	260	176.00	436.00	7,355.56	5,264.24	3,584.17
Grand total		1,850.13	2,571.22	3,173.31	250	2,541.80	2,791.80	6,577.25	500	332.00	832.00	11,600.69	8,224.78	6,706.83
INDIANA.														
	1st half												5.32	
	2d half													
Grand total													5.32	
ILLINOIS.														
	1st half		140.66										149.66	
	2d half													
Grand total			140.66										149.66	
KANSAS.														
Concordia	1st half	3,182.36	5,191.34	50,138.98	3,290	3,458.83	6,748.83	19,784.57	1,390	687.00	2,077.00	73,105.91	14,918.98	3,018.35
Concordia	2d half	1,874.86	3,068.09	51,823.30	3,360	3,943.11	7,303.11	20,983.76	1,425	756.00	2,181.00	74,681.92	13,757.98	3,134.65
Total		5,057.22	8,259.43	101,962.28	6,650	7,401.94	14,051.94	40,768.33	2,815	1,443.00	4,258.00	147,787.83	28,676.96	6,153.00
Hays City	1st half	2,410.70	4,564.88	148,686.06	9,340	5,046.28	14,386.28	155,751.75	9,815	3,964.00	13,779.00	306,848.51	35,701.16	3,070.50
Hays City	2d half	1,832.45	3,734.48	178,322.74	10,955	6,303.20	17,258.20	156,385.29	9,820	3,960.00	13,780.00	336,700.48	40,024.49	3,601.10
Total		4,243.15	8,299.36	327,008.80	20,295	11,349.48	31,644.48	312,137.04	19,635	7,924.00	27,559.00	643,548.99	75,725.65	6,671.60
Independence	1st half	197.27	296.59	1,870.10	130	146.94	276.94					2,067.37	1,080.78	2,771.82
Independence	2d half	34.59	197.27	9,803.85	685	360.21	1,045.21	81.76	10	4.00	14.00	10,080.20	2,028.98	3,033.46
Total		231.86	493.86	11,673.95	815	507.15	1,322.15	81.76	10	4.00	14.00	12,147.57	3,109.76	5,805.28
Kirwin	1st half	4,844.02	7,009.08	319,620.21	20,125	9,430.62	29,555.62	237,957.03	14,990	6,212.00	21,202.00	562,421.26	62,641.85	2,985.86
Kirwin	2d half	2,638.75	3,696.33	407,388.30	25,230	11,832.66	37,062.66	280,335.22	17,660	7,292.00	24,952.00	690,362.27	74,303.70	4,678.03
Total		7,482.77	10,705.41	727,008.51	45,355	21,263.28	66,618.28	518,292.25	32,650	13,504.00	46,154.00	1,252,783.53	136,945.55	7,663.89

States, Territories, and land offices.	Fiscal year 1879.	Sales of land for cash, and amount re- ceived therefor, including cash re- ceived on commut- ed homesteads.		Lands entered under the homestead acts, with amount of government fees, and registers' and receivers' commissions received thereon.				Lands entered under the timber-culture acts, with amount of government fees, and registers' and receivers' commis- sions received thereon.				Aggregate of acres disposed of.	Aggregate amount received from all sources.	Incidental ex- penses.	
		Acres.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Amount.	Amount.	
KANSAS—Cont'd															
Larned	1st half.	6,310.44	\$15,755 89	128,632.05	\$7,515	\$5,023 63	\$12,538 63	96,493.34	\$6,095	\$2,492 00	\$8,587 00	231,435.83	\$39,565 52	\$2,250 00	
Larned	2d half..	2,313.02	6,326 02	118,476.63	7,290	4,779 35	12,069 35	110,729.40	7,006	2,860 00	9,866 00	231,519.05	31,468 95	3,134 75	
Total		8,623.46	22,081 91	247,108.68	14,805	9,802 98	24,607 98	207,222.74	13,101	5,352 00	18,453 00	462,954.88	71,034 47	5,384 75	
Salina	1st half.	4,654.79	11,226 04	54,955.98	3,485	4,485 39	7,970 39	27,870.88	1,860	896 00	2,756 00	87,481.65	23,351 93	3,022 50	
Salina	2d half..	1,886.00	4,981 58	81,171.65	4,590	5,527 09	10,117 09	27,382.54	1,700	848 00	2,548 00	110,440.19	19,301 12	3,182 25	
Total		6,540.79	16,207 62	136,127.63	8,075	10,012 48	18,087 48	55,253.42	3,560	1,744 00	5,304 00	197,921.84	42,653 05	6,204 75	
Topeka	1st half.	2,502.58	3,989 67	3,756.44	260	482 93	742 93	945.75	60	36 00	96 00	7,204.77	5,054 90	1,524 54	
Topeka	2d half..	809.73	1,222 89	7,151.28	555	592 45	1,147 45	920.00	60	40 00	100 00	8,881.01	3,102 26	1,947 47	
Total		3,312.31	5,212 56	10,907.72	815	1,075 38	1,890 38	1,865.75	120	76 00	196 00	16,085.78	8,157 16	3,472 01	
Wichita	1st half.	2,113.08	5,117 11	16,759.98	1,055	1,714 91	2,759 91	11,418.06	755	336 00	1,091 00	30,291.12	11,752 45	3,000 00	
Wichita	2d half..	1,721.02	2,561 15	10,676.06	675	1,470 44	2,145 44	8,619.77	560	264 00	824 00	21,016.85	8,449 99	3,282 00	
Total		3,834.10	7,678 26	27,436.04	1,730	3,185 35	4,915 35	20,037.83	1,315	600 00	1,915 00	51,307.97	20,202 44	6,282 00	
Grand total		39,325.66	78,938 41	1,589,233.61	98,540	64,598 04	163,138 04	1,155,659.12	73,206	30,647 00	103,853 00	2,784,538.39	386,505 04	47,637 28	
LOUISIANA.															
Natchitoches	1st half.	7.94	58 97	4,303.69	390	385 91	775 91	.....	.....	.....	.....	4,311.63	843 78	911 60
Natchitoches	2d half..	91.77	119 78	4,312.24	285	244 51	529 51	.....	.....	.....	.....	4,404.01	679 88	777 44
Total		99.71	178 75	8,615.93	675	630 42	1,305 42	.....	.....	.....	.....	8,715.64	1,523 66	1,689 04
New Orleans	1st half.	110.15	142 23	10,413.41	690	468 38	1,158 38	80.43	5	4 00	9 00	10,603.99	1,374 56	1,858 80	
New Orleans	2d half..	622.40	778 04	7,363.35	520	741 57	1,261 57	.....	.....	.....	.....	7,985.81	2,096 51	2,072 47
Total		732.61	920 27	17,776.76	1,210	1,209 95	2,419 95	80.43	5	4 00	9 00	18,589.80	3,471 07	3,931 27	

Monroe	1st half			159.21	15	14 00	29 00					159.21	29 00	34 17
Monroe	2d half													
Total				159.21	15	14 00	29 00					159.21	29 00	34 17
Grand total		832.32	1,099 02	26,551.90	1,900	1,854 37	3,754 37	80.43	5	4 00	9 00	27,464.65	5,023 73	5,654 48
MICHIGAN.														
Detroit	1st half	53.16	466 48	9,368.12	650	377 13	1,027 13					9,421.28	1,566 73	1,276 11
Detroit	2d half	105.22	560 59	7,033.50	485	263 71	748 71					7,138.72	1,347 30	1,212 98
Total		158.38	1,027 07	16,401.62	1,135	640 84	1,775 84					16,560.00	2,914 03	2,489 09
East Saginaw	1st half	1,458.70	2,080 61	26,859.32	1,730	780 42	2,510 42					28,318.02	4,621 03	1,351 52
East Saginaw	2d half	1,243.50	1,654 45	26,308.59	1,710	778 16	2,488 16					27,552.09	4,234 61	953 45
Total		2,702.20	3,735 06	53,167.91	3,440	1,558 58	4,998 58					55,870.11	8,855 64	2,304 97
Marquette	1st half	1,499.89	2,429 59	18,745.77	1,230	654 76	1,884 76					20,245.66	5,133 20	1,256 40
Marquette	2d half	2,612.26	2,975 50	24,071.90	1,620	807 37	2,427 37					26,084.16	5,544 94	1,543 90
Total		3,512.15	5,405 09	42,817.67	2,850	1,462 13	4,312 13					46,329.82	10,678 14	2,800 30
Reed City	1st half	806.91	2,178 35	22,784.83	1,560	1,853 52	3,413 52					23,591.74	5,744 35	2,566 04
Reed City	2d half	501.14	1,712 30	20,816.91	1,410	1,592 77	3,002 77					21,318.05	4,871 17	2,263 12
Total		1,308.05	3,890 65	43,601.74	2,970	3,446 29	6,416 29					44,909.79	10,615 52	4,869 16
Traverse City	1st half	12	273 63	1,960.29	135	177 16	312 16					1,960.41	607 94	269 37
Traverse City	2d half													
Total		12	273 63	1,960.29	135	177 16	312 16					1,960.41	607 94	269 37
Grand total		7,680.90	14,331 50	157,949.23	10,530	7,285 00	17,815 00					165,630.13	33,671 27	12,732 89
MINNESOTA.														
Benson	1st half	1,688.69	5,548 53	38,564.13	2,509	2,295 23	4,804 23	17,211.26	1,140	544 00	1,684 00	57,464.08	12,620 51	3,031 00
Benson	2d half	1,076.18	4,280 73	65,691.49	3,390	2,512 05	5,902 05	13,741.39	910	448 00	1,358 00	80,509.06	12,467 46	2,249 94
Total		2,764.87	9,829 26	104,255.62	5,899	4,807 28	10,706 28	30,952.65	2,050	992 00	3,042 00	137,973.14	25,087 97	5,280 94
Detroit	1st half	7,983.09	17,860 03	38,077.34	2,485	2,020 40	4,505 40	45,429.47	2,150	1,903 00	4,062 00	91,489.90	27,612 43	3,029 34
Crookston	2d half	2,692.47	5,821 63	113,518.44	6,755	4,796 64	11,551 64	63,983.70	4,025	1,632 00	5,657 00	180,194 61	25,300 77	3,157 25
Total		10,675.56	23,681 66	151,595.78	9,240	6,817 04	16,057 04	109,413.17	6,184	3,535 00	9,719 00	271,684.51	52,913 20	6,186 59
Duluth	1st half	627.47	1,357 13	2,066.99	135	270 58	405 58					2,694.46	1,900 21	956 65
Duluth	2d half	476.30	910 58	6,498.59	360	311 00	671 00					6,974.89	1,663 33	914 34
Total		1,103.77	2,267 71	8,565.58	495	581 58	1,076 58					9,669.35	3,563 54	1,870 99

No. 2.—Statement of public lands sold for cash and entered under the homestead and timber-culture acts, &c.—Continued.

States, Territories, and land offices.	Fiscal year 1879.	Sales of land for cash, and amount re- ceived therefor, including cash re- ceived on commut- ed homesteads.		Lands entered under the homestead acts, with amount of government fees, and registers' and receivers' commissions received thereon.				Lands entered under the timber-culture acts, with amount of government fees, and registers' and receivers' commis- sions received thereon.				Aggregate of acres disposed of.	Aggregate amount received from all sources.	Incidental ex- penses.	
		Acres.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Amount.	Amount.	
MINNESOTA—Con'd.															
Fergus Falls	1st half	2,746.87	\$5,529.86	36,381.15	\$2,340	\$2,170.17	\$4,510.17	17,892.55	\$1,160	\$480.00	\$1,640.00	57,020.07	\$12,383.70	\$3,010.00	
Fergus Falls	2d half	512.52	1,538.86	82,383.25	4,600	3,583.32	8,183.32	12,706.16	840	372.00	1,212.00	95,601.93	11,915.18	3,214.75	
Total		3,258.89	7,068.72	118,764.40	6,940	5,753.49	12,693.49	30,598.71	2,000	852.00	2,852.00	152,622.00	24,298.88	6,224.75	
New Ulm	1st half	4,467.39	11,155.69	34,240.28	2,195	2,403.86	4,598.86	14,924.83	1,035	480.00	1,515.00	53,632.50	17,604.55	3,000.00	
New Ulm	2d half	1,558.82	4,170.94	33,755.89	1,920	1,787.75	3,707.75	12,310.60	800	356.00	1,156.00	47,625.31	9,488.69	2,358.75	
Total		6,026.21	15,326.63	67,996.17	4,115	4,191.61	8,306.61	27,235.43	1,835	836.00	2,671.00	101,257.81	27,093.24	5,358.75	
Redwood Falls	1st half	4,214.75	9,253.10	26,663.77	1,720	1,844.29	3,564.29	11,767.72	840	412.00	1,252.00	42,646.24	14,353.39	3,070.95	
Redwood Falls	2d half	712.60	2,078.46	36,445.21	2,000	1,728.21	3,728.21	9,501.25	625	304.00	929.00	46,659.06	7,152.67	3,110.70	
Total		4,927.35	11,331.56	63,108.98	3,720	3,572.50	7,292.50	21,268.97	1,465	716.00	2,181.00	89,305.30	21,506.06	6,181.65	
Saint Cloud	1st half	1,666.83	3,169.93	20,099.35	1,330	1,555.77	2,885.77	.....	.....	.....	.....	21,766.18	6,459.70	2,523.14
Saint Cloud	2d half	765.83	1,673.90	33,955.88	2,095	1,731.16	3,826.16	.....	.....	.....	.....	34,721.71	6,038.06	2,512.32
Total		2,432.66	4,843.83	54,055.23	3,425	3,286.93	6,711.93	.....	.....	.....	.....	56,487.89	12,497.76	5,035.46
Taylor's Falls	1st half	2,832.72	5,406.70	2,478.10	165	298.29	463.29	.....	.....	.....	.....	5,310.82	5,963.49	1,069.90
Taylor's Falls	2d half	1,374.22	2,497.79	28,397.41	1,955	1,534.42	3,489.42	.....	.....	.....	.....	29,771.63	6,069.71	2,231.91
Total		4,206.94	7,904.49	30,875.51	2,120	1,832.71	3,952.71	.....	.....	.....	.....	35,082.45	12,033.20	3,301.81
Worthington	1st half	3,668.68	9,918.77	21,658.71	1,365	2,067.41	3,432.41	21,684.31	1,600	668.00	2,268.00	47,011.70	15,838.98	3,096.25	
Worthington	2d half	1,010.17	3,805.51	17,284.90	1,000	1,263.54	2,263.54	16,399.26	1,100	548.00	1,648.00	34,694.33	7,915.05	3,000.00	
Total		4,678.85	13,724.28	38,943.61	2,365	3,330.95	5,695.95	38,083.57	2,700	1,216.00	3,916.00	81,706.03	23,754.03	6,096.25	
Grand total		40,075.10	95,978.14	638,160.88	38,319	34,174.09	72,493.09	257,552.50	16,234	8,147.00	24,381.00	935,788.48	202,767.88	45,537.19	

MISSISSIPPI.														
Jackson	1st half	776.54	971 08	4,792.20	335	705 00	1,040 00	-----	-----	-----	-----	5,568.74	2,430 08	2,326 05
Jackson	2d half..	1,120.36	1,740 09	14,546.32	1 122	750 00	1,872 00	-----	-----	-----	-----	15,666.68	3,976 59	2,396 81
Grand total		1,896.90	2,711 17	19,338.52	1 457	1,455 00	2,912 00	-----	-----	-----	-----	21,235.42	6,406 67	4,722 86
MISSOURI.														
Boonville	1st half	199.72	358 01	5,300.51	390	438 19	828 19	-----	-----	-----	-----	5,500.23	1,566 17	1,641 34
Boonville	2d half..	153.51	234 21	4,786.87	370	338 44	708 44	-----	-----	-----	-----	4,940.38	1,182 63	1,418 08
Total		353.23	592 22	10,087.38	760	776 63	1,536 63	-----	-----	-----	-----	10,440.61	2,748 80	3,059 42
Ironton	1st half	382.21	477 74	8,058.49	565	443 80	1,008 80	-----	-----	-----	-----	8,440.70	1,612 46	1,079 26
Ironton	2d half	207.36	328 65	6,078.66	435	417 34	852 34	-----	-----	-----	-----	6,286.02	1,311 48	1,173 78
Total		589.57	806 39	14,137.15	1 000	861 14	1,861 14	-----	-----	-----	-----	14,726.72	2,923 89	2,253 04
Springfield	1st half	248.98	365 10	6,401.08	465	528 00	993 00	-----	-----	-----	-----	6,650.06	1,464 10	1,141 25
Springfield	2d half..	245.34	348 21	8,799.66	600	494 00	1,094 00	-----	-----	-----	-----	9,045.00	1,564 21	1,174 66
Total		494.32	713 31	15,200.74	1,065	1,022 00	2,087 00	-----	-----	-----	-----	15,695.06	3,028 31	2,315 91
Grand total		1,437.12	2,111 92	39,425.27	2,825	2,659 77	5,484 77	-----	-----	-----	-----	40,862.39	8,701 00	7,628 37
MONTANA.														
Bozeman	1st half	1,403.97	786 08	1,518.92	115	174 00	289 00	782.31	50	20 00	70 00	3,705.20	1,358 73	965 36
Bozeman	2d half..	2,633.58	684 50	3,846.95	220	300 00	520 00	799.68	55	28 00	83 00	7,279.31	1,563 83	1,187 55
Total		4,037.55	1,470 58	5,364.97	335	474 00	809 00	1,581.99	105	48 00	153 00	10,984.51	2,922 56	2,152 91
Helena	1st half	18,162.06	11,259 43	4,390.13	320	352 50	672 50	792.21	55	32 00	87 00	23,344.40	12,939 18	2,141 42
Helena	2d half..	22,727.13	9,842 62	8,338.33	520	640 50	1,160 50	760.00	55	28 00	83 00	31,825.46	11,970 52	2,453 76
Total		40,889.19	21,102 05	12,728.46	840	993 00	1,833 00	1,552.21	110	60 00	170 00	55,169.86	24,909 70	4,595 18
Grand total		44,926.74	22,572 63	18,093.43	1,175	1,467 00	2,642 00	3,134.20	215	108 00	323 00	66,154.37	27,832 26	6,748 09
NEBRASKA.														
Beatrice	1st half	240.00	600 00	2,117.56	155	1,142 53	1,297 53	2,118.18	145	76 00	221 00	4,475.74	2,704 95	2,879 80
Beatrice	2d half	160.22	600 56	2,556.42	175	594 96	769 96	2,550.61	170	108 00	278 00	5,267.25	1,997 02	2,909 40
Total		400.22	1,200 56	4,673.98	330	1,737 49	2,067 49	4,668.79	315	184 00	499 00	9,742.99	4,701 97	5,789 20
Bloomington	1st half	2,966.55	5,464 62	140,278.68	8,800	5,073 76	13,873 76	83,115.05	5,255	2,164 00	7,419 00	226,360.28	28,134 38	3,197 00
Bloomington	2d half..	1,600.07	2,829 18	166,852.55	10,305	5,488 54	15,793 54	54,265.94	3,430	1,408 00	4,838 00	222,718.56	25,269 57	3,047 85
Total		4,566.62	8,293 80	307,131.23	19,105	10,562 30	29,667 30	137,380.99	8,685	3,572 00	12,257 00	449,078.84	53,403 95	6,244 85

States, Territories, and land offices.	Fiscal year 1870.	Sales of land for cash, and amount re- ceived therefor, including cash re- ceived on commut- ed homesteads.		Lands entered under the homestead acts, with amount of government fees, and registers' and receivers' commissions received thereon.				Lands entered under the timber-culture acts, with amount of government fees, and registers' and receivers' commis- sions received thereon.				Aggregate of acres disposed of.	Aggregate amount received from all sources.	Incidental ex- penses.	
		Acres.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Amount.	Amount.	
NEBRASKA—Cont'd.															
Grand Island	1st half.	1,527.73	\$4,044.72	60,571.67	\$3,850	\$3,604.63	\$7,454.63	43,997.20	\$2,825	\$1,212.00	\$4,037.00	106,096.60	\$16,525.35	\$3,241.70	
Grand Island	2d half.	985.14	1,227.19	88,429.10	5,395	4,404.45	9,799.45	53,262.46	3,395	1,460.00	4,855.00	142,076.70	17,301.64	3,022.86	
Total		1,912.87	5,271.91	149,000.77	9,245	8,009.08	17,254.08	97,259.66	6,220	2,672.00	8,892.00	248,173.30	33,826.99	6,264.56	
Lincoln	1st half.	562.29	1,405.72	8,208.54	520	3,575.87	4,095.87	6,354.36	435	280.00	715.00	15,125.19	7,069.59	3,115.00	
Lincoln	2d half..	27.81	69.53	6,107.71	355	2,421.22	2,776.22	7,000.35	455	288.00	743.00	13,135.87	4,205.25	2,035.92	
Total		590.10	1,475.25	14,316.25	875	5,997.09	6,872.09	13,354.71	890	568.00	1,458.00	28,261.06	11,274.84	6,150.92	
Niobrara	1st half.	261.24	328.58	29,434.99	1,855	939.00	2,794.00	27,309.44	1,800	752.00	2,542.00	57,005.67	6,201.58	2,970.47	
Niobrara	2d half..	880.16	1,100.20	63,821.68	4,020	1,968.00	5,988.00	64,490.49	4,350	1,800.00	6,150.00	129,192.33	14,409.20	3,301.39	
Total		1,141.40	1,426.78	93,256.67	5,875	2,907.00	8,782.00	91,799.93	6,150	2,552.00	8,702.00	186,198.00	20,610.78	6,271.86	
Norfolk	1st half.	162.79	203.49	13,307.00	840	598.18	1,438.18	14,376.52	940	396.00	1,336.00	27,846.31	3,167.67	1,832.76	
Norfolk	2d half..	13.31	17.18	26,585.89	1,675	1,128.70	2,803.70	18,504.66	1,170	516.00	1,686.00	45,103.86	4,750.88	2,425.58	
Total		176.10	220.67	39,892.89	2,515	1,726.88	4,241.88	32,881.18	2,110	912.00	3,022.00	72,950.17	7,918.55	4,258.34	
North Platte	1st half.	1,681.04	2,728.13	26,475.98	1,675	908.00	2,583.00	18,745.12	1,190	488.00	1,678.00	46,902.14	7,639.13	2,947.45	
North Platte	2d half..	1,393.07	1,859.66	69,103.58	4,210	2,154.39	6,364.39	69,878.53	4,380	1,776.00	6,156.00	140,375.18	15,353.30	3,420.09	
Total		3,074.11	4,587.79	95,579.56	5,885	3,062.39	8,947.39	88,623.65	5,570	2,264.00	7,834.00	187,277.32	22,992.43	6,367.54	
Grand total		11,861.42	22,476.76	703,851.35	43,830	34,002.23	77,832.23	465,968.91	29,940	12,724.00	42,664.00	1,181,681.68	154,729.51	41,347.27	
NEVADA.															
Carson City	1st half.	14,895.56	6,470.53	4,121.19	270	355.50	625.50	.....	.....	.....	.....	19,016.75	7,534.03	1,454.88
Carson City	2d half..	6,487.54	4,206.65	1,092.32	125	156.00	281.00	160.00	10	4.00	14.00	8,639.88	5,132.65	1,238.06	
Total		21,383.10	10,677.18	6,113.51	395	511.50	906.50	160.00	10	4.00	14.00	27,656.61	12,666.68	2,692.94	

Eureka.....	1st half.	5, 110. 61	3, 273 75	800. 00	50	45 00	95 00					5, 910. 61	4, 051 75	1, 251 54
Eureka.....	2d half..	6, 405. 41	3, 294 00	3, 437. 31	220	147 00	367 00					9, 842. 72	4, 045 00	1, 265 89
Total.....		11, 516. 02	6, 567 75	4, 237. 31	270	192 00	462 00					15, 753. 33	8, 096 75	2, 517 43
Grand total.....		32, 899 12	17, 244 93	10, 350. 82	665	703 50	1, 368 50	160. 00	10	4 00	14 00	43, 409. 94	20, 763 43	5, 210 37
NEW MEXICO.														
La Mesilla.....	1st half	1, 310. 01	462 00	920. 00	65	45 00	110 00	41. 69	5	4 00	9 00	2, 271. 70	641 00	692 93
La Mesilla.....	2d half..	1, 274. 11	979 44	2, 560. 00	165	166 50	331 50	1, 690. 24	110	48 00	158 00	5, 524. 35	1, 537 94	597 23
Total.....		2, 584. 12	1, 441 44	3, 480. 00	230	211 50	441 50	1, 731. 93	115	52 00	167 00	7, 796. 05	2, 178 94	1, 290 16
Santa Fé.....	1st half	8, 903. 19	7, 492 50	3, 914. 95	245	158 00	403 00					12, 818. 14	8, 162 50	1, 361 27
Santa Fé.....	2d half..	11, 140. 25	12, 976 25	5, 263. 87	335	219 00	554 00	160. 00	10	4 00	14 00	16, 724. 12	14, 278 25	1, 729 10
Total.....		20, 043. 44	20, 468 75	9, 178. 82	580	377 00	957 00	160. 00	10	4 00	14 00	29, 542. 26	22, 440 75	3, 090 37
Grand total.....		22, 627. 56	21, 910 19	12, 658. 82	810	588 50	1, 398 50	1, 891. 93	125	56 00	181 00	37, 338. 31	24, 619 69	4, 380 53
OHIO.														
Ohio.....	1st half		122 15										122 15	
Ohio.....	2d half..													
Grand total.....			122 15										122 15	
OREGON.														
La Grande.....	1st half	5, 573. 62	7, 687 34	6, 155. 55	405	487 83	892 83	3, 638. 28	235	100 00	335 00	15, 367. 45	9, 495 17	1, 422 77
La Grande.....	2d half..	2, 160. 02	3, 541 50	7, 362. 94	470	539 72	1, 009 72	7, 005. 03	440	180 00	620 00	16, 527. 99	5, 886 72	2, 624 91
Total.....		7, 733. 64	11, 228 84	13, 518. 49	875	1, 027 55	1, 902 55	10, 643. 31	675	280 00	955 00	31, 895. 44	15, 381 89	4, 047 68
Lake View.....	1st half	1, 411. 56	1, 844 47	1, 596. 83	109	71 89	171 89					3, 008. 39	2, 392 10	1, 200 73
Lake View.....	2d half..	5, 052. 96	2, 595 38	4, 092. 86	260	183 13	413 13	853. 57	55	24 00	79 00	9, 999. 39	5, 460 37	1, 381 84
Total.....		6, 464. 52	4, 439 85	5, 689. 69	360	255 02	615 02	853. 57	55	24 00	79 00	13, 007. 78	7, 852 47	2, 582 57
Oregon City.....	1st half	842. 49	2, 408 45	11, 123. 38	760	1, 051 28	1, 811 28					11, 965. 87	5, 545 70	2, 937 38
Oregon City.....	2d half..	486. 83	972 08	6, 444. 69	415	621 56	1, 036 56					6, 931. 52	2, 671 15	2, 550 00
Total.....		1, 329. 32	3, 380 53	17, 568. 07	1, 175	1, 672 84	2, 847 84					18, 897. 39	8, 216 85	5, 507 38
Roseburg.....	1st half	6, 039. 04	8, 944 04	13, 549. 87	890	1, 054 73	1, 944 73					19, 588. 91	11, 471 77	2, 390 56
Roseburg.....	2d half..	3, 807. 94	5, 668 82	11, 613. 76	590	674 24	1, 264 24					15, 421. 70	7, 404 06	1, 813 58
Total.....		9, 846. 98	14, 612 86	25, 163. 63	1, 480	1, 728 97	3, 208 97					35, 010. 61	18, 875 83	4, 204 14

States, Territories, and land offices.	Fiscal year 1879.	Sales of land for cash, and amount re- ceived therefor, including cash re- ceived on commut- ed homesteads.		Lands entered under the homestead acts, with amount of government fees, and registers' and receivers' commissions received thereon.				Lands entered under the timber-culture acts, with amount of government fees, and registers' and receivers' commis- sions received thereon.				Aggregate of acres disposed of.	Aggregate amount received from all sources.	Incidental ex- penses.	
		Acres.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Amount.	Amount.	
OREGON—Cont'd.															
The Dalles.....	1st half..	2,424.08	\$5,611 12	4,904.34	\$317 33	\$348 00	\$663 00	2,710.58	\$185 185	\$30 00	\$215 00	10,039.00	\$6,910 62	\$2,428 00	
The Dalles.....	2d half..	1,345.80	2,853 13	7,407.73		388 50	723 50	2,839.13		80 00	265 00	11,592.66	6,466 71	2,826 46	
Total		3,769.88	8,464 25	12,312.07	650	736 50	1,386 50	5,549.71	370	110 00	480 00	21,631.66	13,377 33	5,254 46	
Grand total		29,144.34	42,126 33	74,251.95	4,540	5,420 88	9,960 88	17,046.59	1,100	414 00	1,514 00	120,442.88	63,704 37	21,596 23	
UTAH.															
Salt Lake City	1st half..	14,737.41	16,886 94	31,455.25	2,005	1,560 00	3,585 00	469.46	30	12 00	42 00	46,662.12	22,019 44	3,892 45	
Salt Lake City	2d half..	14,555.75	15,198 83	40,230.34	2,430	1,968 00	4,398 00	1,859.47	130	68 00	198 00	56,645.56	21,527 83	3,352 65	
Grand total		29,293.16	32,085 77	71,685.59	4,435	3,528 00	7,983 00	2,328.93	160	80 00	240 00	103,307.68	43,547 27	7,245 10	
WASHINGTON.															
Colfax	1st half..	6,934.85	12,070 64	18,290.88	1,240	1,424 55	2,664 55	22,400.75	1,435	604 00	2,039 00	47,626.48	17,752 19	3,334 74	
Colfax	2d half..	4,135.68	7,137 75	29,178.17	1,675	2,026 20	3,701 20	20,213.70	1,270	528 00	1,798 00	53,527.55	13,584 18	3,368 27	
Total		11,070.53	19,208 39	47,469.05	2,915	3,450 75	6,365 75	42,614.45	2,705	1,132 00	3,837 00	101,154.03	31,336 37	6,703 01	
Olympia	1st half..	5,333.22	9,813 56	19,218.67	1,260	1,528 50	2,788 50					24,551.89	13,984 43	3,032 50	
Olympia	2d half..	702.39	1,298 19	18,267.96	930	1,110 00	2,040 00					18,970.35	4,115 69	3,148 00	
Total		6,035.61	11,111 75	37,486.63	2,190	2,638 50	4,828 50					43,522.24	18,100 12	6,180 50	
Vancouver.....	1st half..	1,584.19	3,700 72	8,039.47	495	724 78	1,219 78	1,081.45	80	40 00	120 00	10,705.11	5,400 90	2,360 76	
Vancouver.....	2d half..	419.43	1,017 43	15,860.56	765	976 67	1,741 67	2,480.27	170	92 00	262 00	18,760.26	3,453 00	2,040 92	
Total		2,003.62	4,718 15	23,900.03	1,260	1,701 45	2,961 45	3,561.72	250	132 00	382 00	29,465.37	8,853 90	4,401 68	

Walla Walla.....	1st half..	8,640.10	18,051.22	12,756.25	855	999.50	1,854.50	7,399.79	485	224.00	709.00	28,796.14	21,398.72	1,674.59
Walla Walla.....	2d half..	9,084.68	16,678.96	19,872.82	1,220	1,407.00	2,627.00	3,414.86	860	372.00	1,232.00	42,372.37	21,826.96	3,391.85
Total		17,724.78	34,730.18	32,629.08	2,075	2,406.50	4,481.50	20,814.65	1,345	596.00	1,941.00	71,168.51	43,225.68	5,066.44
Grand total		36,834.54	69,768.47	141,484.79	8,440	10,197.20	18,637.20	66,990.82	4,300	1,860.00	6,160.00	245,310.15	101,516.07	22,351.63
WISCONSIN.														
Bayfield	1st half..	1,339.75	2,980.23	3,434.05	215	167.70	382.70					4,773.80	3,408.93	803.03
Bayfield	2d half..	3,239.24	5,946.18	2,584.45	125	96.00	221.00					5,823.69	6,307.18	1,113.82
Total		4,578.99	8,926.41	6,018.50	340	263.70	603.70					10,597.49	9,716.11	1,916.85
Eau Claire	1st half..	1,084.47	1,925.04	13,169.92	910	890.58	1,800.58					14,254.39	3,975.12	1,901.92
Eau Claire	2d half..	996.26	1,395.33	11,771.10	685	694.05	1,379.05					12,767.36	3,010.88	1,458.48
Total		2,080.73	3,320.37	24,941.02	1,595	1,584.63	3,179.63					27,021.75	6,986.00	3,360.40
Falls of Saint Croix	1st half..	435.26	1,020.46	6,928.75	500	643.13	1,148.13					7,364.01	2,470.59	1,139.14
Falls of Saint Croix	2d half..	489.93	1,219.12	7,899.89	540	481.00	1,021.00					8,389.82	2,473.12	1,713.98
Total		915.19	2,239.58	14,828.64	1,040	1,129.13	2,169.13					15,753.83	4,943.71	2,853.12
La Crosse	1st half..	583.41	804.51	6,684.36	505	395.87	900.87					7,267.77	1,830.23	972.90
La Crosse	2d half..	819.61	1,439.03	6,352.21	410	619.88	1,029.88					7,171.82	2,622.81	1,275.32
Total		1,403.02	2,243.54	13,036.57	915	1,015.75	1,930.75					14,439.59	4,453.04	2,248.22
Menasha	1st half..	1,357.83	1,807.33	15,891.29	1,095	478.71	1,573.71					17,240.12	3,763.04	1,398.81
Menasha	2d half..	3,904.76	4,980.95	14,456.58	975	407.61	1,382.61					18,361.34	6,768.06	1,418.43
Total		5,262.59	6,788.28	30,347.87	2,070	886.32	2,956.32					35,601.46	10,531.10	2,817.24
Wausaw	1st half..	481.73	843.06	14,239.43	1,020	663.26	1,683.26					14,721.16	2,810.77	1,464.56
Wausaw	2d half..	582.49	784.92	12,608.65	860	612.04	1,472.04					13,191.14	2,596.46	1,482.23
Total		1,064.22	1,627.98	26,848.08	1,880	1,275.30	3,155.30					27,912.30	5,407.23	2,946.79
Grand total		15,314.74	25,146.16	116,020.68	7,840	6,154.83	13,994.83					131,335.42	42,037.19	16,142.62
WYOMING.														
Cheyenne City.....	1st half..	8,783.13	3,515.51	1,690.05	115	105.00	220.00					10,473.18	3,810.51	755.33
Cheyenne City.....	2d half..	10,288.20	3,362.00	2,799.42	180	138.00	318.00					13,087.62	3,740.00	774.94
Total		19,071.33	6,877.51	4,489.47	295	243.00	538.00					23,560.80	7,550.51	1,530.27

No. 2.—Statement of public lands sold for cash and entered under the homestead and timber-culture acts, &c.—Continued.

States, Territories, and land offices.	Fiscal year 1879.	Sales of land for cash, and amount re- ceived therefor, including cash re- ceived on commut- ed homesteads.		Lands entered under the homestead acts, with amount of government fees, and registers' and receivers' commissions received thereon.				Lands entered under the timber-culture acts, with amount of government fees, and registers' and receivers' commis- sions received thereon.				Aggregate of acres disposed of.	Aggregate amount received from all sources.	Incidental ex- penses.	
		Acres.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Fees.	Commis- sions.	Amount.	Acres.	Amount.	Amount.	
WYOMING—Cont'd.															
Evanston	1st half	7,840.00	\$1,960 00	80.00	\$5	\$6 00	\$11 00					7,920.00	\$2,007 00	\$616 70	
Evanston	2d half ..	1,529.84	862 45	320.00	20	18 00	98 00					1,849.84	948 45	454 00	
Total		9,369.84	2,822 45	400.00	25	24 00	49 00					9,769.84	2,955 45	1,070 70	
Grand total		28,441.17	9,699 96	4,889.47	320	267 00	587 00					33,330.64	10,505 96	2,600 97	

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, October 30, 1879.

RECAPITULATION.

States and Territories.	1		2				3				4	5	6
	Sales of land for cash, and amount received therefor, including cash received on commuted homesteads.		Lands entered under the homestead acts, with amount of government fees, and registers' and receivers' commissions received thereon.				Lands entered under the timber-culture acts, with amount of government fees, and receivers' commissions received thereon.				Aggregate of acres disposed of.	Aggregate amount received from all sources.	Incidental expenses.
	Acres.	Amount.	Acres.	Fees.	Commissions.	Total.	Acres.	Fees.	Commissions.	Total.	Acres.	Amount.	Amount.
Alabama	4,610.10	\$7,000 67	158,162.50	\$10,850	\$6,875 75	\$17,725 75							
Arizona Ter.....	19,861.53	11,860 11	5,059.97	355	272 50	627 50	3,280.00	\$205	\$84 00	\$289 00	162,772.69	\$26,284 87	\$14,075 72
Arkansas	5,512.26	8,614 92	203,343.70	14,310	8,595 40	22,905 40					28,201.50	13,834 11	3,411 31
California	141,287.91	219,436 22	223,014.29	14,203	16,080 03	30,283 03	15,618.81	1,020	456 00	1,476 00	208,855.96	32,981 57	16,844 68
Colorado	29,656.16	49,707 52	65,362.42	4,185	4,765 50	8,950 50	15,962.03	1,045	472 00	1,517 00	379,921.01	276,505 42	48,342 14
Dakota Ter.....	58,027.68	111,686 67	867,776.65	54,350	29,051 53	83,401 53	731,687.73	46,205	18,732 00	64,937 00	110,980.61	68,472 02	21,413 35
Florida	3,184.89	8,119 55	57,500.58	3,970	2,253 20	6,223 20					1,657,811.06	273,714 25	30,020 53
Idaho Ter.....	15,992.51	17,379 88	52,772.47	3,435	2,379 80	5,814 80	22,634.68	1,495	644 00	2,139 00	60,845.47	14,451 75	7,037 90
Iowa	1,850.13	2,571 22	3,173.31	250	2,541 80	2,791 80	6,577.25	500	332 00	832 00	91,399.66	28,078 62	9,976 25
Indiana											11,600.69	8,224 78	6,706 83
Illinois		140 66										5 32	
Kansas	39,325.66	78,938 41	1,589,238.61	98,540	64,598 04	163,138 04	1,115,659.12	73,206	30,647 00	103,853 00	2,784,538.39	386,505 04	47,637 28
Louisiana	832.32	1,099 02	26,551.90	1,900	1,854 37	3,754 37	80.43	5	4 00	9 00	27,464.65	5,023 73	5,654 48
Michigan	7,680.90	14,331 50	157,949.23	10,530	7,285 00	17,815 00					165,630.13	33,671 27	12,732 89
Minnesota	40,075.10	95,978 14	638,160.88	38,319	34,174 09	72,493 09	257,552.50	16,234	8,147 00	24,381 00	935,788.48	202,767 88	45,537 19
Mississippi	1,896.90	2,711 17	19,338.52	1,457	1,455 00	2,912 00					21,235.42	6,406 67	4,722 86
Missouri	1,437.12	2,111 92	39,425.27	2,825	2,659 77	5,484 77					40,862.39	8,701 00	7,628 37
Montana Ter.....	44,926.74	22,572 63	18,093.43	1,175	1,467 00	2,642 00	3,154.20	215	108 00	323 00	66,154.37	27,832 26	8,748 00
Nebraska	11,861.42	22,476 76	703,851.35	43,830	34,002 23	77,832 23	465,968.91	29,940	12,724 00	42,664 00	1,181,681.68	154,729 51	41,347 27
Nevada	32,899.12	17,244 93	10,350.82	865	703 50	1,368 50	160.00	10	4 00	14 00	43,409.94	20,763 43	5,210 37
New Mexico Ter..	22,627.56	21,910 19	12,658.82	810	588 50	1,398 50	1,891.93	125	56 00	181 00	37,338.31	24,619 69	4,380 53
Ohio		122 15										122 15	
Oregon	29,144.24	42,126 33	74,251.95	4,549	5,420 88	9,960 88	17,046.59	1,100	414 00	1,514 00	120,442.88	63,704 37	21,596 23
Utah Ter.....	29,293.16	32,085 77	71,685.99	4,435	3,528 00	7,963 00	2,328.93	160	80 00	240 00	103,307.68	43,547 27	7,245 10
Washington Ter..	36,834.54	69,768 47	141,484.79	8,440	10,197 20	18,637 20	66,990.82	4,300	1,860 00	6,160 00	245,310.15	101,516 07	22,351 63
Wisconsin	15,314.74	25,146 16	116,020.68	7,840	6,154 83	13,994 83					131,335.42	42,037 19	16,142 62
Wyoming Ter....	28,441.17	9,699 96	4,889.47	320	267 00	587 00					33,330.64	10,505 96	2,600 97
Grand total...	622,573.96	894,840 93	5,260,111.29	31,534	247,170 92	578,704 92	2,766,573.93	175,765	74,764 00	250,529 00	8,650,219.18	1,875,155 86	409,364 59

NOTE.—Column No. 4 includes 960.00 acres located with agricultural college scrip.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, October 30, 1879.

SWAMP LANDS.

No. 3.—Statement exhibiting the quantity of land selected for the several States under acts of Congress approved March 2, 1849, September 28, 1850 (Revised Statutes of the United States, section 2479), and March 12, 1860 (Revised Statutes of the United States, section 2490), up to and ending June 30, 1879.

States.	Third quarter of 1878.	Fourth quarter of 1878.	First quarter of 1879.	Second quarter of 1879.	Year ending June 30, 1879.	Total since date of grant.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Alabama.....						479, 514. 44
Arkansas.....						8, 652, 432. 93
California.....	14, 433. 31				14, 433. 31	1, 736, 163. 36
Florida.....						15, 656, 859. 23
Illinois.....						3, 267, 470. 65
Indiana.....						1, 354, 732. 50
Iowa.....						3, 449, 720. 18
Louisiana (act of 1849).....				12, 599. 86	12, 599. 86	10, 817, 830. 88
Louisiana (act of 1850).....						543, 339. 13
Michigan.....						7, 278, 724. 72
Minnesota.....	2, 686. 68	439, 133. 13			441, 819. 81	3, 678, 595. 78
Mississippi.....						3, 070, 645. 29
Missouri.....						4, 705, 643. 97
Ohio.....						54, 458. 14
Oregon.....			9, 609. 29		9, 609. 29	53, 296. 75
Wisconsin.....						4, 200, 069. 58
Total.....	17, 119. 99	439, 133. 13	9, 609. 29	12, 599. 86	478, 462. 27	68, 995, 097. 53

No. 4.—Statement exhibiting the quantity of land approved to the several States under acts of Congress approved March 2, 1849, September 28, 1850 (Revised Statutes of the United States, section 2479), and March 12, 1860 (Revised Statutes of the United States, section 2490), up to and ending June 30, 1879.

States.	Third quarter of 1878.	Fourth quarter of 1878.	First quarter of 1879.	Second quarter of 1879.	Year ending June 30, 1879.	Total since date of grant.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Alabama.....						400, 434. 78
Arkansas.....				8, 277. 88	8, 277. 88	7, 634, 155. 56
California.....	14, 433. 31				14, 433. 31	1, 592, 051. 68
Florida.....						11, 797, 436. 98
Illinois.....						1, 492, 979. 43
Indiana.....			880. 16		880. 16	1, 264, 833. 13
Iowa.....	40. 00		40. 00		80. 00	924, 272. 53
Louisiana (act of 1849).....						8, 291, 225. 21
Louisiana (act of 1850).....						239, 731. 58
Michigan.....						5, 720, 990. 63
Minnesota.....			14, 622. 08		14, 622. 08	1, 487, 794. 47
Mississippi.....						3, 068, 642. 31
Missouri.....				6, 399. 14	6, 399. 14	4, 448, 229. 20
Ohio.....	20. 00				20. 00	25, 660. 71
Oregon.....						4, 449. 54
Wisconsin.....						3, 139, 719. 24
Total.....	14, 493. 31		15, 542. 24	14, 677. 02	44, 712. 57	51, 532, 623. 68

No. 5.—Statement exhibiting the quantity of land patented to the several States under the acts of Congress approved September 28, 1850 (*Revised Statutes of the United States*, section 2479), and March 12, 1860, (*Revised Statutes of the United States*, section 2490), and also the quantity certified to the State of Louisiana under act approved March 2, 1849.

States.	Third quarter of 1878.	Fourth quarter of 1878.	First quarter of 1879.	Second quarter of 1879.	Year ending June 30, 1879.	Total since date of grant.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Alabama						395,315.09
Arkansas						7,121,953.48
California				160.00	160.00	1,413,393.71
Florida		29,509.75			29,509.75	10,764,912.96
Illinois						*1,453,891.67
Indiana				916.45	916.45	†1,257,588.41
Iowa						‡1,173,955.74
Louisiana (act of 1849)						§8,291,225.31
Louisiana (act of 1850)						217,274.84
Michigan						§5,657,817.19
Minnesota	1,037.75	41,362.17			42,399.92	1,359,886.32
Mississippi						2,681,383.16
Missouri				2,401.96	2,401.96	||3,304,199.37
Ohio						25,640.71
Oregon						4,449.54
Wisconsin						¶3,071,419.61
Total	1,037.75	70,871.92		3,478.41	75,388.08	48,194,307.11

*2,309.07 acres of this contained in indemnity patents under act of March 2, 1855.

†4,880.20 acres of this contained in indemnity patents under act of March 2, 1855.

‡321,468.23 acres of this contained in indemnity patents under act of March 2, 1855.

§18,903.93 acres of this contained in indemnity patents under act of March 2, 1855.

||37,062.23 acres of this contained in indemnity patents under act of March 2, 1855.

¶34,910.75 acres of this contained in indemnity patents under act of March 2, 1855.

NOTE.—The tables showing the disposition of lands under the swamp grants have heretofore been made to include the year ending September 30th, and also to show the amount of land disposed of during the fiscal year. As this has led to confusion, they are now made to show only the work of the fiscal year.

No. 6.—Condition of bounty-land business under acts of 1847, 1850, 1852, and 1855; showing the issues and locations with bounty-land warrants, and the number outstanding from the commencement of operations under said acts to June 30, 1879.

Grade of warrants.	Number issued.	Acres embraced thereby.	Number located.	Acres embraced thereby.	Number outstanding.	Acres embraced thereby.
Act of 1847, 160 acres	80, 666	12, 906, 560	78, 960	12, 633, 600	1, 706	272, 960
Act of 1847, 40 acres	7, 583	303, 320	7, 066	282, 640	517	20, 680
Total	88, 249	13, 209, 880	86, 026	12, 916, 240	2, 223	293, 640
Act of 1850, 160 acres	27, 438	4, 390, 080	26, 781	4, 284, 960	657	105, 120
Act of 1850, 80 acres	57, 712	4, 616, 960	56, 173	4, 493, 840	1, 539	123, 120
Act of 1850, 40 acres	103, 971	4, 158, 840	100, 455	4, 018, 200	3, 516	140, 640
Total	189, 121	13, 165, 880	183, 409	12, 797, 000	5, 712	368, 880
Act of 1852, 160 acres	1, 223	195, 680	1, 191	190, 560	32	5, 120
Act of 1852, 80 acres	1, 698	135, 840	1, 660	132, 800	38	3, 040
Act of 1852, 40 acres	9, 064	362, 560	8, 873	354, 920	191	7, 640
Total	11, 985	694, 080	11, 724	678, 280	261	15, 800
Act of 1855, 160 acres	114, 402	18, 304, 320	108, 313	17, 330, 080	6, 089	974, 240
Act of 1855, 120 acres	96, 963	11, 635, 560	90, 219	10, 826, 280	6, 744	809, 280
Act of 1855, 100 acres	6	600	5	500	1	100
Act of 1855, 80 acres	49, 427	3, 954, 160	47, 780	3, 822, 400	1, 647	131, 760
Act of 1855, 60 acres	359	21, 540	309	18, 540	50	3, 000
Act of 1855, 40 acres	540	21, 600	464	18, 560	76	3, 040
Act of 1855, 10 acres	5	50	3	30	2	20
Total	261, 702	33, 937, 830	247, 093	32, 016, 390	14, 609	1, 921, 440
SUMMARY.						
Act of 1847	88, 249	13, 209, 880	86, 026	12, 916, 240	2, 223	293, 640
Act of 1850	189, 121	13, 165, 880	183, 409	12, 797, 000	5, 712	368, 880
Act of 1852	11, 985	694, 080	11, 724	678, 280	261	15, 800
Act of 1855	261, 702	33, 937, 830	247, 093	32, 016, 390	14, 609	1, 921, 440
Total	551, 057	61, 007, 670	528, 252	58, 407, 910	22, 805	2, 599, 760

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
October 8, 1879.

No. 7.—Statement exhibiting land concessions by acts of Congress to States and corporations for railroads and military wagon road purposes from the year 1850 to June 30, 1879.

States.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1879.	Number of acres certified or patented up to June 30, 1879.
Illinois	Sept. 20, 1850	9	466	Illinois Central	6 and 15	}	2, 595, 053. 00
Do	Sept. 20, 1850	9	466	Mobile and Chicago	6 and 15		
Mississippi	Sept. 20, 1850	9	466	Mobile and Ohio River	6 and 15	}	*737, 130. 29
Do	Aug. 11, 1856	11	30	Vicksburg and Meridian	6 and 15		
Do	Aug. 11, 1856	11	30	Gulf and Ship Island	6 and 15	}	198, 027. 82
Alabama	Sept. 20, 1850	9	466	Mobile and Ohio River	6 and 15		
Do	May 17, 1856	11	15	Alabama and Florida	6 and 15	}	419, 528. 44
Do	June 3, 1856	11	17	Selma, Rome and Dalton	6 and 15		
Do	May 23, 1872	17	159	Act confirming lands heretofore certified to the State for the Alabama and Tennessee Railroad.	6 and 15	}	457, 407. 37
Do	June 3, 1856	11	17	Coosa and Tennessee	6 and 15		
Do	June 3, 1856	11	17	Mobile and Girard	6 and 15	}	167, 784. 96
Do	June 3, 1856	11	17	Alabama and Chattanooga	6 and 15		
Do	Apr. 10, 1869	16	45	Act to renew certain grants of land to the State of Alabama	6 and 15	}	552, 555. 44
Do	June 3, 1856	11	17	South and North Alabama			
Do	Mar. 3, 1857	11	200	Act amending the sixth section of original act			
Do	Mar. 3, 1871	16	580	Act to renew certain grants of land to the State of Alabama			
Florida	May 17, 1856	11	15	Florida Railroad	6 and 15	}	281, 984. 17
Do	May 17, 1856	11	15	Florida and Alabama	6 and 15		
Do	May 17, 1856	11	15	Pensacola and Georgia	6 and 15	}	165, 688. 00
Do	May 17, 1856	11	15	Florida, Atlantic and Gulf Central	6 and 15		
Louisiana	June 3, 1856	11	18	North Louisiana and Texas	6 and 15	}	11, 275, 212. 93
Do	June 3, 1856	11	18	New Orleans, Opelousas and Great Western	6 and 15		
Do	July 14, 1870	16	277	Act declaring forfeited to the United States all the lands not lawfully disposed of by the State.	6 and 15	}	353, 211. 70
Arkansas	Feb. 9, 1853	10	155	Saint Louis, Iron Mountain and Southern	6 and 15		
Do	July 28, 1866	14	338	.....do	Additional 5	}	1, 115, 408. 41
Do	May 6, 1870	16	376	Resolution extending the time for completion of first twenty miles of road	Additional 5		
Do	Feb. 9, 1853	10	155	Little Rock and Fort Smith	6 and 15	}	207, 681. 08
Do	July 28, 1866	14	338	.....do	Additional 5		
Do	Apr. 10, 1869	16	46	Act extending time for completion of twenty miles of road	}	}	550, 520. 18
Do	Mar. 8, 1870	16	76	Act repealing provision in act of April 10, 1869, as to mode of sales of land			

* In the adjustment of this grant, the road was treated as an entirety, and without reference to the State line; hence Alabama has approved to her more and Mississippi less land than they would appear to be entitled to in proportion to the length of road line in the respective States.

† No evidence of the construction of any part of these roads, as required by the acts, having been filed in the General Land Office, the grants are presumed to have lapsed, but the lands have not been restored to the mass of public lands, Congress having taken no action to that end.

‡ Lands earned by the construction of eighty miles of road prior to June 3, 1866, 51,452.03 acres.

§ Lands within the limits of New Orleans, Baton Rouge and Shreveport Railroad grant of March 3, 1871, 227,879.94 acres.

¶ Lands restored to market March, 1873, under the act of July 14, 1870, 439,861.82 acres.

No. 7.—Statement exhibiting land concessions by acts of Congress to States and corporations, &c.—Continued.

States.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1879.	Number of acres certified or patented up to June 30, 1879.
Arkansas	Feb. 9, 1853	10	155	Memphis and Little Rock	6 and 15		127, 238. 51
Do.	July 28, 1866	14	338	do	Additional 5		14, 606. 19
Do.	July 4, 1866	14	83	Saint Louis and Iron Mountain	10 and 20		
Missouri	June 10, 1852	10	8	Southwest Branch of the Pacific Road	6 and 15		1, 161, 204. 51
Do.	June 5, 1862	12	422	Act extending the time for completion of road ten years			
Do.	June 10, 1852	10	8	Hannibal and Saint Joseph	6 and 15		603, 506. 34
Do.	Feb. 9, 1853	10	155	Saint Louis, Iron Mountain and Southern	6 and 15		63, 294. 17
Do.	July 28, 1866	14	338	do	Additional 5		
Do.	July 4, 1866	14	83	Saint Louis and Iron Mountain	10 and 20		
Iowa	May 15, 1856	11	9	Burlington and Missouri River	6 and 15		282, 170. 80
Do.	June 2, 1864	13	96	do	20		96, 646. 55
Do.	Feb. 10, 1866	14	349	Resolution extending the time for completion of road			
Do.	May 15, 1856	11	9	Chicago, Rock Island and Pacific	6 and 15		482, 094. 36
Do.	June 2, 1864	13	98	do	20		161, 212. 81
Do.	Jan. 31, 1873	17	421	Act to quiet the title to certain lands in the State of Iowa			
Do.	June 15, 1878	20	133	Act to restore certain lands in Iowa to settlement under the homestead law, &c.			
Do.	May 15, 1856	11	9	Cedar Rapids and Missouri River	6 and 15		782, 069. 83
Do.	June 2, 1864	13	96	do	20		358, 423. 70
Do.	May 15, 1856	11	9	Dubuque and Sioux City	6 and 15	1, 002. 55	550, 347. 96
Do.	June 2, 1864	13	98	Act authorizing said road to change its line			
Do.	Mar. 2, 1868	15	38	Act extending the time for completion of road to January 1, 1872			
Do.	May 15, 1856	11	9	Iowa Falls and Sioux City	6 and 15		683, 023. 80
Do.	May 12, 1864	13	72	Chicago, Milwaukee and Saint Paul (formerly McGregor and Missouri River)	10 and 20		138, 284. 69
Do.	May 12, 1864	13	72	Sioux City and Saint Paul	10 and 20		396, 998. 80
Michigan	June 3, 1856	11	21	Port Huron and Lake Michigan	6 and 15		37, 427. 43
Do.	Mar. 3, 1879	20	490	Joint resolution releasing the reversionary claim and interest of the United States in and to certain lands in the State of Michigan.			
Do.	June 3, 1856	11	21	Jackson, Lansing and Saginaw	6 and 15		743, 009. 36
Do.	July 3, 1866	14	78	Act extending the time for completion of road seven years, &c.			
Do.	Mar. 2, 1867	14	425	Act extending the time for completion of first twenty miles of road			
Do.	Mar. 3, 1871	16	586	Act authorizing change of northern terminus from Traverse Bay to Straits of Mackinac, and for other purposes.			
Do.	June 8, 1856	11	21	Flint and Pere Marquette	6 and 15		512, 337. 03
Do.	Feb. 17, 1865	13	569	Resolution extending time for completion of road			
Do.	July 3, 1866	14	78	Act authorizing the company to change its western terminus of road			
Do.	Mar. 3, 1871	16	582	Act extending time for completion of road five years			
Do.	June 8, 1856	11	21	Grand Rapids and Indiana	6 and 15		629, 993. 11
Do.	June 7, 1864	13	119	Grand Rapids and Indiana, from Fort Wayne, Ind., to Grand Rapids	6 and 20		222, 967. 01
Do.	Mar. 3, 1865	13	520	Act extending time for completion of road eight years			

Do	June 13, 1856	11	21	Marquette, Houghton and Ontonagon	6 and 15		
Do	Mar. 3, 1865	13	521	do	20		437, 385. 00
Do	May 20, 1868	15	252	Resolution extending time for completion of road, &c.			
Do	Apr. 20, 1871	17	643	Act authorizing the Houghton and Ontonagon Railroad Company to resurvey and locate anew a part of its road.			
Do	Mar. 3, 1865	13	521	Bay de Noquet and Marquette	200 sections		128, 000. 00
Do	July 5, 1862	12	620	Chicago and Northwestern	6 and 15		
Do	Mar. 3, 1865	13	520	do	20		517, 868. 15
Do	May 23, 1872	17	160	Act authorizing change of route in Michigan	6 and 15		327, 903. 69
Wisconsin	June 3, 1856	11	20	Chicago, Saint Paul and Minneapolis, formerly the West Wisconsin	10 and 20		474, 913. 20
Do	May 5, 1864	13	66	do			
Do	Mar. 3, 1873	17	634	Act to quiet the title to the lands of the settlers on lands claimed by the West Wisconsin Railway Company.			
Do	June 3, 1856	11	20	Wisconsin Railroad Farm Mortgage Land Company			40, 049. 11
Do	July 27, 1868	15	238	Act amendatory of the original act			
Do	June 3, 1856	11	20	Saint Croix and Lake Superior	6 and 15		524, 538. 15
Do	May 5, 1864	13	66	do	10 and 20		
Do	June 3, 1856	11	20	Branch to Bayfield	6 and 15		318, 959. 41
Do	May 5, 1864	13	66	do	10 and 20		
Do	June 3, 1856	11	20	Chicago and Northwestern	6 and 15		545, 575. 76
Do	Apr. 25, 1862	12	618	Resolution authorizing change of route in Wisconsin, &c.			
Do	Mar. 3, 1865	13	520	Act extending time for completion of road five years			
Do	Mar. 3, 1869	15	397	Authorizing selections of lands along the full extent of original route of road.			
Do	May 5, 1864	13	66	Wisconsin Central	10 and 20	29, 398. 51	575, 844. 56
Do	June 21, 1866	14	360	Resolution explanatory of the act of May 5, 1864, and authorizing certain changes of width, in accordance with the act of the State legislature.			
Do	Apr. 9, 1874	18	28	Act to extend the time for completion of road to December 31, 1876			
Minnesota	Mar. 3, 1857	11	195	First Division Saint Paul and Pacific	6 and 15		466, 403. 48
Do	Mar. 3, 1865	13	526	do	10 and 20	264. 70	782, 045. 40
Do	Mar. 3, 1873	17	631	Act extending time for completion of road nine months			
Do	Mar. 3, 1857	11	195	Western Railroad, formerly Brainard Branch Saint Paul and Pacific	6 and 15		436, 695. 16
Do	Mar. 3, 1865	13	526	do	10 and 20	*121, 502. 31	†222, 649. 57
Do	July 12, 1862	12	624	Resolution authorizing the State to change the branch line under certain conditions.			
Do	Mar. 3, 1871	16	588	Saint Vincent Extension Saint Paul and Pacific, south terminus changed from Crow Wing to Saint Cloud.	10 and 20		780, 291. 75
Do	Mar. 3, 1873	17	631	Act extending time for completion of road nine months			
Do	June 22, 1874	18	203	Act extending time for completion of road to March 3, 1876, &c.			
Do	Mar. 3, 1857	11	195	Minnesota Central	6 and 15		176, 456. 08
Do	Mar. 3, 1865	13	526	do	10 and 20		3, 279. 93
Do	Mar. 3, 1857	11	195	Winona and Saint Peter	6 and 15		341, 563. 48
Do	Mar. 3, 1865	13	526	do	10 and 20	2, 929. 52	1, 326, 444. 42
Do	July 13, 1866	14	97	Act allowing selections within twenty miles of road in lieu of lands sold after definite location but prior to withdrawal, &c.			
Do	Jan. 13, 1873	17	409	Act extending the time for completion of road	6 and 15		959, 319. 24
Do	Mar. 3, 1857	11	195	Saint Paul and Sioux City	10 and 20		240, 529. 83
Do	May 12, 1864	13	74	do			
Do	July 13, 1866	14	97	Act extending the time for completion of road seven years			

* Includes 35,685.49 acres of the Chicago, Rock Island and Pacific Railroad; 109,756.85 acres of the Cedar Rapids and Missouri River Railroad, and 77,535.22 acres of the Dubuque and Sioux City Railroad, situated in the old Des Moines River grant of August, 1846, which amounts are a loss to the roads, by the decision of the United States Supreme Court in the case of Wolcott vs. Des Moines Company (5 Wallace, 681).

† Includes 89,383.87 acres heretofore certified to the State of Minnesota for the Brainard branch.

No. 7.—Statement exhibiting land concessions by acts of Congress to States and corporations, &c.—Continued.

States.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	'Number of acres certified or patented for the year ending June 30, 1879.	Number of acres certified or patented up to June 30, 1879.
Minnesota	May 5, 1864	13	64	Lake Superior and Mississippi.....	10 and 20	.....	860, 564. 09
Do.....	July 13, 1866	14	93	Act authorizing the railroad company to make up deficiency of land within thirty miles of west line of road.	10 and 20	.....	285, 403. 74
Do.....	July 4, 1866	14	87	Southern Minnesota	10 and 20	.....	169, 790. 81
Do.....	July 4, 1866	14	87	Hastings and Dakota	10 and 20	.....	*256, 281. 66
Kansas	Mar. 3, 1863	12	772	Leavenworth, Lawrence and Galveston	10 and 20	.....	.....
Do.....	July 1, 1864	13	339	Act authorizing change of route of branch line	10 and 20	.....	.....
Do.....	Apr. 10, 1871	17	5	Act authorizing the company to relocate a portion of its road	10 and 20	.....	.....
Do.....	July 24, 1876	19	101	Act declaring a portion of the grant forfeited	10 and 20	.....	.....
Do.....	Mar. 3, 1863	12	772	Missouri, Kansas and Texas	10 and 20	.....	*658, 068. 13
Do.....	July 1, 1864	13	339	Act extending grant from Emporia to a point near Fort Riley	10 and 20	.....	.....
Do.....	July 26, 1866	14	289	Act making grant from Fort Riley to the southern boundary of the State	10 and 20	.....	2, 474, 686. 47
Do.....	Mar. 3, 1863	12	772	Atchison, Topeka and Santa Fé	10 and 20	.....	453, 011. 85
Do.....	July 23, 1866	14	210	Saint Joseph and Denver City	10 and 20	11, 583. 60	21, 341. 77
Do.....	July 25, 1866	14	236	Missouri River, Fort Scott and Gulf	10 and 20	.....	.....
Do.....	Mar. 3, 1877	19	404	An act to secure the rights of settlers upon certain railroad lands, and to repeal the first five sections of an act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad, &c.	10	.....	1, 859, 474. 59
Corporations.....	July 1, 1862	12	489	Union Pacific from Omaha, Nebr., to a point near Ogden, in Utah Territory...	20	.....	.....
Do.....	July 2, 1864	13	356	Union Pacific	20	.....	.....
Do.....	July 3, 1866	14	79	Act authorizing location of Union Pacific Railroad from Omaha westward...	10	.....	.....
Do.....	July 26, 1866	14	367	Resolution granting right of way through military reserve, &c.	20	.....	.....
Do.....	Apr. 10, 1869	16	56	Resolution for the protection of the interests of the United States in the Union Pacific and Central Pacific Railroad, and providing that the common terminus of the road shall be at or near Ogden, Utah Territory, &c.	10	.....	708, 862. 17
Do.....	May 6, 1870	16	121	Act fixing the point of junction of the Union Pacific and Central Pacific Railroads, &c.	20	.....	.....
Do.....	May 7, 1878	20	56	An act amendatory of the acts of July 1, 1862, and July 2, 1864	10	.....	.....
Do.....	July 1, 1862	12	489	Central Pacific	20	.....	.....
Do.....	July 2, 1864	13	356	do	10	.....	.....
Do.....	July 3, 1866	14	79	An act authorizing location of Central Pacific Railroad eastward	20	.....	.....
Do.....	Apr. 10, 1869	16	56	Resolution for the protection of the interests of the United States in the Central Pacific and Union Pacific Railroads, and providing that the common terminus of the road shall be at or near Ogden, Utah Territory, &c.	10	.....	.....
Do.....	May 6, 1870	16	121	Act fixing the point of junction of the Central Pacific and Union Pacific Railroads.	20	.....	.....
Do.....	May 7, 1878	20	56	An act amendatory of the acts of July 1, 1862, and July 2, 1864	10	.....	.....

* Includes 186, 936.72 acres of the Leavenworth, Lawrence and Galveston Railroad, and 260,425.35 acres of the Missouri, Kansas and Texas Railway, situated in the "Osage ceded reservation," which amounts are a loss to the roads, by the decision of the United States Supreme Court at its October term, 1875.

Do	July 1, 1862	12	489	Central Pacific, successor by consolidation with Western Pacific	10		
Do	July 2, 1864	13	356	Central Pacific	20	2, 009. 40	424, 727. 58
Do	Mar. 3, 1865	13	594	Act ratifying the assignment made by the Central Pacific Railroad Company to the Western Pacific Railroad Company of that portion from San José to the city of Sacramento.			
Do	May 21, 1866	14	356	Resolution extending the time for completion of first section of twenty miles of Western Pacific Railroad upon certain conditions.			
Do	July 1, 1862	12	489	Central Branch, Union Pacific	10		
Do	July 2, 1864	13	356	do	20		186, 453. 28
Do	July 1, 1862	12	489	Kansas Pacific	10		
Do	July 2, 1864	13	356	do	20	43, 760. 37	815, 880. 01
Do	July 3, 1866	14	79	Act requiring the company to designate route before December 1, 1866			
Do	May 7, 1866	14	355	Resolution extending time for completion of road			
Do	Mar. 6, 1868	15	39	Act restoring the even-numbered sections on line of Pacific railroads and branches, at \$2.50 per acre.			
Do	Mar. 3, 1869	15	324	Act extending the Union Pacific Railway, eastern division line of road to Denver City, and authorizing transfer of lands by said company to the Denver Pacific Railroad Company, between Denver and Cheyenne.			
Do	Mar. 3, 1869	15	348	Resolution authorizing the Union Pacific Railway Company, eastern division, to change its name to Kansas Pacific.			
Do	Mar. 3, 1869	15	324	Denver Pacific	20		40, 811. 59
Do	June 20, 1874	18	111	Act making additions to the fifteenth section of the act approved July 2, 1864.			
Do	July 2, 1864	13	364	Burlington and Missouri River	20 sections per mile.		2, 374, 090. 77
Do	May 6, 1870	13	118	Act authorizing the change of route and connection with the Union Pacific Railroad at or near Fort Kearney.			
Do	July 2, 1864	13	363	Sioux City and Pacific	10		41, 318. 23
Do	July 2, 1864	13	365	Northern Pacific	States, 20, 30, and 40; Territories, 40, 50, and 60.		743, 493. 44
Do	May 7, 1866	14	355	Resolution extending time for commencing and completing road			
Do	July 1, 1868	15	255	do			
Do	Mar. 1, 1869	15	346	Resolution authorizing issue of bonds, &c.			
Do	Apr. 10, 1869	16	57	Resolution authorizing the company to extend its branch line from Portland to Puget Sound, &c.			
Do	May 31, 1870	16	378	Resolution authorizing the issue of mortgage bonds, reversing locations of main and branch lines in Washington Territory, extending indemnity limits, &c.			
Do	July 15, 1870	16	305	Act requiring the Northern Pacific Railroad Company to pay the cost of surveying, &c.			
Do	July 13, 1866	14	94	*Placerville and Sacramento Valley	10 and 20		
Do	Apr. 15, 1874	18	29	Act declaring the grant forfeited to the United States			
Do	July 25, 1866	14	239	Oregon Branch of the Central Pacific	20 and 30		550, 764. 90
Do	June 25, 1868	15	80	Act extending the time for completion of road			
Do	Apr. 10, 1869	16	47	Act amendatory of the original act and providing for the sale of the lands to actual settlers at a fixed price and limited quantity.			
Do	July 25, 1866	14	239	Oregon and California	20 and 30		323, 148. 68
Do	June 25, 1868	15	80	Act extending the time for completion of road			
Do	Apr. 10, 1869	16	47	Act amendatory of the original act and providing for the sale of the lands to actual settlers at a fixed price and limited quantity.			
Do	July 27, 1866	14	292	Atlantic and Pacific	States, 20 and 30; Territories, 40 and 50.		504, 536. 60
Do	Apr. 20, 1871	17	19	Act authorizing the company to mortgage its road			

* Grants declared forfeited by Congress.

No. 7.—Statement exhibiting land concessions by acts of Congress to States and corporations, &c.—Continued.

States.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1879.	Number of acres certified or patented up to June 30, 1879.
Corporations.....	July 27, 1866	14	292	Southern Pacific	20 and 30	11, 297. 73	950, 877. 00
Do.....	July 25, 1868	15	187	Act to extend the time for the construction of the road, &c.	20 and 30 20 and 30 10 and 20 20 and 25 California 20 and 30; Territories, 40 and 50. 20 and 30	54, 315. 42	95, 493. 65
Do.....	June 28, 1870	16	382	Joint resolution concerning the Southern Pacific Railroad of California			
Do.....	Mar. 3, 1871	16	579	Branch line of Southern Pacific			
Do.....	Mar. 2, 1867	14	548	*Stockton and Copperopolis			
Do.....	May 4, 1870	16	94	Oregon Central.....			
Do.....	Mar. 3, 1871	16	573	Texas Pacific	California 20 and 30; Territories, 40 and 50. 20 and 30		
Do.....	June 22, 1874	18	197	do.....			
Do.....	Mar. 3, 1871	16	579	New Orleans, Baton Rouge and Vicksburg.....			
WAGON ROADS.							
Wisconsin.....	Mar. 3, 1863	12	797	From Fort Wilkins, Copper Harbor, Mich., to Fort Howard, Green Bay, Wis.	3 and 15	.....	302, 930. 36
Do.....	June 8, 1868	15	67	Act extending time for completion of road to March 1, 1870	3 and 6 3 and 15	.....	221, 013. 35
Do.....	May 6, 1870	16	121	Act extending time for completion of road to January 1, 1872			
Do.....	June 25, 1864	13	183	Act granting lands to the State to build a military road to Lake Superior			
Michigan.....	Mar. 3, 1863	12	797	From Fort Wilkins, Copper Harbor, Mich., to Fort Howard, Green Bay, Wis.			
Do.....	June 8, 1868	15	67	Act extending time for completion of road to March 1, 1870	3 6 3 3	.....	361, 327. 43
Do.....	May 6, 1870	16	121	Act extending time for completion of road to January 1, 1872			
Do.....	Apr. 24, 1872	17	56	Act extending time for completion of road to January 1, 1874			
Do.....	June 20, 1864	13	140	No map filed; limitations of grant expired June 20, 1869			
Oregon.....	July 2, 1864	13	355	Oregon Central military road.....	3	.....	57, 506. 89
Do.....	Dec. 26, 1866	14	374	Act making provision for indemnity limits.....	6	.....	107, 942. 28
Do.....	Mar. 3, 1869	15	338	Act extending time for completion of road to July 2, 1872			
Do.....	July 4, 1866	14	86	Corvallis and Aquina Bay.....	3	.....	57, 506. 89
Do.....	July 5, 1866	14	89	Willamette Valley and Cascade Mountain.....	3 alternate sections to be selected within six miles.	.....	107, 942. 28
Do.....	Feb. 27, 1867	14	409	Dalles military road.....	3 and 10	.....	126, 910. 23
Do.....	Mar. 3, 1869	15	340	Coos Bay military road.....	3 and 6	.....	91, 026. 10

*Grants declared forfeited by Congress.

Statement exhibiting land concessions, &c.—Continued.

RECAPITULATION.

States.	Number of acres certified or pat- ented for the year ending June 30, 1879.	Number of acres certified or pat- ented under the grant.
Illinois.....		2,595,053.00
Mississippi.....		935,158.11
Alabama.....		2,829,545.86
Florida.....		1,760,468.39
Louisiana.....		1,072,405.49
Arkansas.....		2,378,890.63
Missouri.....		1,828,005.02
Iowa.....	1,002.55	3,941,273.30
Michigan.....		3,228,987.09
Wisconsin.....	29,398.51	2,807,783.88
Minnesota.....	124,696.53	7,051,436.98
Kansas.....	11,853.60	3,863,389.88
	166,951.19	34,292,397.63
Corporations:		
Pacific railroads.....	111,382.92	9,628,932.49
	278,334.11	43,921,330.12
Wagon roads:		
Wisconsin.....		302,930.36
Michigan.....		221,013.35
Oregon.....		744,712.93
	278,334.11	45,189,986.76
Deduct for land declared forfeited by Congress.....		667,741.76
Total.....	278,334.11	44,522,245.00

No. 8.—Statement exhibiting land concessions by acts of Congress to States for canal purposes from the year 1827 to June 30, 1879.

States.	Date of laws.	Statutes.	Page.	Name of canal.	Total number of acres grant- ed and certi- fied.
Indiana.....	Mar. 26, 1824	4	47	Wabash and Erie Canal.....	234,246.73
Do.....	Mar. 2, 1827	4	236		29,552.50
Do.....	May 20, 1830	4	416		259,368.48
Do.....	Feb. 27, 1841	5	414		24,219.83
Do.....	Aug. 29, 1842	5	542		796,630.19
Do.....	Mar. 3, 1845	5	731		113,348.33
Do.....	May 9, 1848	9	219		
Ohio.....	Mar. 2, 1827	4	236	Wabash and Erie Canal.....	266,535.00
Do.....	June 30, 1834	4	716		
Do.....	May 24, 1828	4	305	Miami and Dayton.....	333,826.00
Do.....	Apr. 3, 1830	4	393	General canal purposes.....	500,000.00
Do. (sec. 5).....	May 24, 1828	4	306	Canal to connect the waters of the Illinois River with those of Lake Michigan.....	290,915.00
Illinois.....	Mar. 2, 1827	4	234	Milwaukee and Rock River Canal.....	125,431.00
Do.....	Aug. 3, 1854	10	344	Breakwater and Harbor Ship Canal.....	
Wisconsin.....	June 18, 1838	5	245	Act extending the time for completion of canal to April 10, 1874.....	200,000.00
Do.....	Apr. 10, 1866	14	39	Act extending the time for completion of canal to April 10, 1876.....	
Do.....	Mar. 1, 1872	10	32	Saint Mary's Ship Canal.....	750,000.00
Do.....	Mar. 7, 1874	18	20	Portage Lake and Lake Superior Ship Canal.....	200,000.00
Michigan.....	Aug. 26, 1852	10	35	do.....	200,000.00
Do.....	Mar. 3, 1865	13	519	Lac La Belle Ship Canal.....	100,000.00
Do.....	July 3, 1866	14	81		
Do.....	July 6, 1866	14	80		

RECAPITULATION.

Indiana.....	1,457,366.06
Ohio.....	1,100,361.00
Illinois.....	290,915.00
Wisconsin.....	325,431.00
Michigan.....	1,250,000.00
Total quantity granted and certified.....	4,424,073.06

ATTACHMENT OF RAILROAD RIGHTS.

No. 9.—Table showing the time when the various railroad rights attach to the lands granted, so far as at present determined.

States.	Names of roads.	Dates.
Illinois	Illinois Central	September 20, 1850. (Grant fully adjusted.)
Mississippi	Mobile and Ohio River	September 20, 1850. (Grant fully adjusted.)
	Vicksburg and Meridian	August 31, 1850. (Grant fully adjusted.)
	Gulf and Ship Island	* November, 1860.
Alabama	Mobile and Ohio River	September 20, 1850. (Grant fully adjusted.)
	Alabama and Florida	* August 30, 1856.
	Selma, Rome and Dalton	May 20, 1857.
	Coosa and Tennessee	* December 27, 1858.
	Coosa and Chattanooga	* July 3, 1858.
	Mobile and Girard	* May 13, 1858.
	Alabama and Chattanooga, formerly the Northeastern and Southwestern and Wills Valley.	* October 11, 1858.
	South and North Alabama, formerly the Tennessee and Alabama Central.	May 22, 1866, between Decatur and a junction with the Alabama and Tennessee Railroad, in township 22 south, range 2 west, and May 30, 1871, between that point and Montgomery.
Florida	Florida Railroad	* From survey in the field, which was between May 17, 1856, and January 10, 1857.
	Florida and Alabama	* From May 17 to 31, 1856.
	Pensacola and Georgia	* March 3, 1857, between Tallahassee and Alligator, in township 13 south, range 17 east, and from September 1 to October 22, 1857, between Tallahassee and Pensacola.
	Florida, Atlantic and Gulf Central	* February 17, 1857, in the granted, and September 7, 1857, in the indemnity limits.
Louisiana	North Louisiana and Texas, formerly Vicksburg, Shreveport and Texas.	January 27, 1857.
	New Orleans, Opelousas and Great Western.	† October 9, 1856, between New Orleans and Brushear City.
Arkansas	Little Rock and Fort Smith	August 13, 1855, and, under the reviving act, May 13, 1867.
	Saint Louis, Iron Mountain and Southern, formerly Cairo and Fulton.	January 17, 1855, and, under the reviving act, July 28, 1866.
	Memphis and Little Rock	August 18, 1855, and, under the reviving act, May 13, 1867.
Missouri	Hannibal and Saint Joseph	March 8, 1853, in the granted, and June 18, 1853, in the indemnity limits. (Grant virtually adjusted.)
	Pacific and Southwestern Branch Saint Louis and Iron Mountain Extension.	1853. (Grant fully adjusted.)
Iowa	Burlington and Missouri River ..	† April 7, 1870.
	Chicago, Rock Island and Pacific ..	March 24, 1857. (See Supreme Court Report 9 Wallace, p. 89, Railroad Company vs. Fremont County.)
	Cedar Rapids and Missouri River ..	Survey in the field, which was from October 21, 1856, to March 2, 1857.
	Dubuque and Sioux City	Survey in the field, which was from September 1, 1856, to July 12, 1857.
	Iowa Falls and Sioux City	Survey in the field, which was from May 30 to August 31, 1856.
	Chicago, Milwaukee and Saint Paul, formerly McGregor and Missouri River.	Survey in the field, which was from May 30 to August 31, 1856.
	Sioux City and Saint Paul	* August 19, 1864, from McGregor to section 12, township 95 north, range 35 west.
		From that point to the southwest corner section 18, township 96 north, range 38 west, between November 30 and December 5, 1868, and from that point to a connection with the Saint Paul and Sioux City Road, between June 28 and 30, 1869, the dates of survey in the field.
Michigan	Jackson, Lansing and Saginaw ..	Survey in the field, which was between September 27 and October 4, 1866.
	Flint and Pere Marquette	August 4, 1853.
	Grand Rapids and Indiana	August 3, 1857.
		November 17, 1857, between Grand Rapids and the Straits of Mackinac.
		March 15, 1856, between Grand Rapids and Fort Wayne, Indiana.
	Bay de Noquest and Marquette ...	December 1, 1857. (See Secretary's decision of April 12, 1859.—Lester.)

* Time taken as definite location from data on file in this office, subject, however, to correction upon receipt of evidence to the contrary.

† By the act of July 14, 1870, the lands granted west of Brashear City were declared forfeited to the Government, and have since been restored to homestead entry, excepting those falling within the limits of the grant of March 3, 1871, to the New Orleans, Baton Rouge and Vicksburg Railroad.

‡ The grant has never been accepted by the company, but the lands are still reserved, awaiting action by Congress.

No. 9.—Table showing the time when the various railroad rights attach, &c.—Continued.

States.	Names of roads.	Dates.
Michigan—Con'd.	Houghton and Ontonagon.....	June 23, 1859.
Wisconsin	Chicago and Northwestern.....	From Fond du Lac to the north boundary of the State. Survey in the field, which was between May 1, 1856, and October 16, 1857.
	Chicago and Northwestern.....	September 7, 1869.
Wisconsin	Wisconsin Central.....	July 13, 1857, from Tomah to Lake Saint Croix;
	Chicago, Saint Paul and Minneapolis, formerly the West Wisconsin.	March 23, 1865, to additional grant under act of May 5, 1864.
	Madison and Portage.....	June 16, 1857.
	Wisconsin Railroad Farm Mortgage Company.	July 13, 1857.
	Saint Croix and Lake Superior, and branch to Bayfield.	November 2, 1857, entire main line, except between Prescott and the south line of township 34 north, which was from November 24 to December 8, 1857. Survey in the field.
		Branch line, from survey in the field, which was between May 3 and June 10, 1858.
		April 22, 1865, to additional grant under act of May 5, 1864.
		November 9, 1857, within six-mile limits, and January 16, 1858, between six and fifteen mile limits of the main line and branch to Crow Wing, and March 3, 1865, to additional grant under that act.
		From survey in the field, which was between May 18 and September 21, 1871.
		July 17, 1857, from Winona to the west line of township 110, range 31 west, in the six-mile limits, and March 22, 1858, between the six and fifteen mile limits.
Minnesota	Saint Paul and Pacific.....	From that point to the west line of township 108, range 37 west. Survey in the field, which was in April, 1864. (See Secretary's decision of August 15, 1874.)
	Saint Paul and Pacific (Saint Vincent extension).	January 19, 1867, from that point to the Big Sioux River, in Dakota Territory.
	Winona and Saint Peter	To original grant, from survey in the field, which was between June 8 and July 25, 1857, and to additional grant under act of March 3, 1865, date of act.
	Minnesota Central.....	From Saint Paul to section 28, township 106 north, range 34 west, survey in the field, which was from June 8 to October, 1857, in the six-mile limits, and March 28, 1858, between the six and fifteen mile limits.
	Saint Paul and Sioux City.....	From that point to section 30, township 104 north, range 39 west, from October 31 to November 8, 1858, within both six and fifteen mile limits.
		From that point to the southern boundary of Minnesota, June 29, 1866.
		To the additional grant under the act of May 12, 1864, from date of act, where the road was already definitely located.
	Lake Superior and Mississippi....	September 25, 1866.
	Hastings and Dakota	March 7, 1867.
	Southern Minnesota	From the Mississippi River to Houston, survey in the field, which was from July 21 to August 5, 1857.
Kansas		From Houston to section 22, township 104 north, range 8 west, July 4, 1866.
		From that point to section 2, township 103 north, range 18 west, January 1, 1867.
		From that point to section 21, township 104 north, range 37 west, November 29, 1866.
		From that point to section 4, township 104 north, range 39 west, October 24, 1866.
		From that point to the western boundary of the State, from survey in the field, which was between October 18 and 26, 1870.
		From Junction City to Humboldt, December 3, 1866.
		From Humboldt to southern boundary of State, January 7, 1868.
	Leavenworth, Lawrence and Galveston.	November 15, 1866, from Lawrence to the north boundary of the Osage lands.
		November 26, 1867, to the southern boundary of Kansas.
	Saint Joseph and Denver City....	March 21, 1870.
	Atchison, Topeka and Santa Fé...	From Atchison to Emporia, survey in the field, which was from November 28, 1865, to January 13, 1866.

No. 9.—Table showing the time when the various railroad rights attach, &c.—Continued.

States.	Names of roads.	Dates.
Kansas—Cont'd.	Atchison, Topeka and Santa Fé—Continued.	<p>From Emporia to Wichita, survey in the field, which was from May 18 to July 13, 1869.</p> <p>From the sixth principal meridian, near Newton, to section 27, township 23 south, range 5 west, September 23, 1871.</p> <p>From that point west to section 33, township 22 south, range 6 west, October 8, 1870.</p> <p>From that point west to the mouth of Pawnee Creek, in township 22 south, range 16 west, survey in the field, which was from June 21 to December 1, 1870.</p> <p>From that point to the west line of range 27 west, March 22, 1872.</p> <p>From that point to the western boundary of the State, May 30, 1872.</p>
	CORPORATIONS.	
	Union Pacific	<p>First one hundred miles west from Omaha, October 19, 1864.</p> <p>Second one hundred miles, June 20, 1866.</p> <p>From the 200th to 380th mile post, November 23, 1866.</p> <p>From the 380th mile post to Brown's Summit (nearly to the 700th mile post), survey in the field, which was from April 1 to November 15, 1867.</p> <p>From Brown's Summit to Ogden, survey in the field, which was from May 1 to July 30, 1868.</p> <p>Withdrawal takes effect for the first hundred miles of road within 15-mile limits December 16, 1863, the date when the company filed their map of general route in the department, and between the 15 and 20 mile limits July 2, 1864, date of additional grant. Withdrawal takes effect from the 100th mile post west from Omaha to Salt Lake City June 28, 1865, the date when the map of general route was filed in the department. (See Secretary's decision of February 27, 1875.)</p>
	Central Pacific	<p>From Sacramento east to the south line of township 13 north, range 8 east, within ten miles of the road, June 1, 1863, and within twenty miles, July 2, 1864, date of act.</p> <p>* From that point to the east line of township 17 north, range 13 east, September 14, 1866.</p> <p>* From that point to the Big Bend of the Truckee River, in township 20 north, range 24 east, Nevada, October 25, 1867.</p> <p>From that point to Humboldt Wells, December 18, 1866.</p> <p>From that point to Monument Point (head of Salt Lake), January 16, 1867.</p> <p>From that point to Ogden, July 18, 1868.</p>
	Western Pacific	<p>First twenty miles northward from San José, October 3, 1866.</p> <p>From that point to Sacramento, from survey in the field, which was between January 28 and December 15, 1868.</p>
	Kansas Pacific	<p>From the boundary line between Missouri and Kansas to section 17, township 11 south, range 18 east, Kansas, February 13, 1864.</p> <p>From that point to Fort Riley, from survey in the field, which was between February 13, 1864, and February 18, 1865.</p> <p>From Fort Riley to the 405th mile post (Sheridan, Kansas), July 11, 1866.</p> <p>From that point to Denver City, from survey in the field, beginning June 29, 1869, and ending April 25, 1870, at the 635th mile post.</p>
	Denver Pacific	March 3, 1869, date of act.
	Central Branch Union Pacific	January, 1864, within the 10-mile limits, and July 2, 1864, date of act, within the 20-mile limits.
	Burlington and Missouri River	June 15, 1865.
	Sioux City and Pacific	November 9, 1866, in Nebraska, and in Iowa, from survey in the field, which was between November 20 and December 7, 1866.
	Northern Pacific	From a junction with the Lake Superior and Mississippi Road, in Minnesota, to the Red River of the North, November 21, 1871.

* Time taken as definite location from data on file in this office, subject, however, to correction upon receipt of evidence to the contrary.

No. 9.—Table showing the time when the various railroad rights attach, &c.—Continued.

States.	Names of roads.	Dates.
Kansas—Cont'd..	Northern Pacific—Continued.....	<p>From the Red River of the North to the Missouri River, in Dakota Territory, May 26, 1873.</p> <p>From Kalama, Washington Territory, north to Tenino, sixty-five miles, September 13, 1873.</p> <p>From Tenino to Tacoma, on Puget Sound, May 14, 1874.</p> <p>According to a decision of the Secretary of the Interior, dated March 22, 1873, the first withdrawal of lands takes effect from the acceptance of the map of general route by the department, from which time settlement is excluded from the granted sections, and the alternate reserved sections are raised to \$2.50 per acre.</p> <p>The first map of general route through Minnesota and a portion of Washington Territory was accepted August 13, 1870, subsequently amended in parts both in Minnesota and Washington Territory.</p> <p>The map of general route through Dakota, Montana, Idaho, and a portion of Washington Territory was accepted February 21, 1872.</p> <p>The map of general route of the branch line in Washington Territory was accepted August 15, 1873, and the map of amended route of branch line was accepted June 11, 1879, but the withdrawal takes effect, so far as respects the lands affected by the change, from the receipt of the letters at the district offices.</p>
	Atlantic and Pacific	<p>From Springfield, Mo., to the western boundary of the State, December 17, 1866.</p> <p>From that point to the mouth of Kingfisher Creek, in Indian Territory, December 2, 1871.</p> <p>From that point to the eastern boundary of New Mexico, February 7, 1872.</p> <p>From that point to the eastern boundary of California, March 12, 1872.</p> <p>From San Francisco to San Miguel, Cal., March 12, 1872.</p> <p>Through the county of Los Angeles and part of San Bernardino, California, March 12, 1872.</p> <p>From San Miguel Mission to the Los Angeles County line, August 15, 1872.</p> <p>From a point in township 7 north, range 7 east S. B. M. San Bernardino County to the Colorado River, August 15, 1872.</p>
	Texas Pacific	<p>Road not yet definitely located. Lands withdrawn upon a preliminary line, withdrawal taking effect from date of receipt of the order at the district land office, which was as follows: New Mexico Territory, December 4, 1871; Arizona Territory, December 26, 1871; California, October 15, 1871.</p>
	New Orleans, Baton Rouge and Vicksburg.	<p>Road not yet definitely located. Lands withdrawn upon a preliminary line, taking effect from date of receipt of the order at the district offices, which was as follows: Letter of November 29, 1871, received at New Orleans December 11, 1871; letter of November 29, 1871, received at Natchitoches December 20, 1871; letter of March 27, 1873, received at New Orleans April 3, 1873.</p>
	Oregon Branch of the Central Pacific, formerly California and Oregon.	<p>From Roseville (on the Central Pacific Railroad) to Salt Creek, in township 32 north, of range 5 west, September 13, 1867.</p>
	Southern Pacific	<p>From that point to north line of township 40 north, of range 5 west, August 5, 1871.</p> <p>First withdrawal became effective January 3, 1867, date of filing the map of general route in the General Land Office. (See Secretary's decision of April 23, 1875, in case of Alfred Queen, and decision of August 2, 1878, in Samuel Tome <i>et al.</i>) Withdrawal for branch line under act of March 3, 1871, became effective April 3, 1871. Right of road attaches from the dates of filing the maps of definite location in the General Land Office.</p>
	Oregon and California	<p>From Portland, Oreg., south to township 10 south, range 2 west, October 29, 1869.</p> <p>From that point to the south line of township 27 south, March 26, 1870.</p> <p>From that point to near the south line of township 30 south, January 7, 1871.</p>
	Oregon Central	<p>May 4, 1870.</p>

No. 10.—*List of railroad land grants which have lapsed by reason of non*

Name of railroad.	States in which located.	Grant by act—		Stats.	Grant to—	Alternate sections within—	With indemnity within—
		Approved—					
						Miles.	Miles.
Gulf and Ship Island	Mississippi	Aug. 11, 1856	11	30	State	6	15
Coosa and Tennessee	Alabama	June 3, 1856	11	17	do	6	15
Mobile and Girard	do	June 3, 1856	11	17	do	6	15
Coosa and Chattanooga	do	June 3, 1856	11	17	do	6	15
Pensacola and Georgia	Florida	May 17, 1856	11	15	do	6	15
Florida, Atlantic and Gulf Central	do	May 17, 1856	11	15	do	6	15
North Louisiana and Texas, formerly Vicksburg, Shreveport and Texas Railroad.	Louisiana	June 3, 1856	11	18	do	6	15
New Orleans, Baton Rouge and Vicksburg.	do	Mar. 3, 1871	16	579	Company ...	20	30
Saint Louis and Iron Mountain ..	Missouri	July 4, 1866	14	83	State	10	20
Houghton and Ontonagon, formerly Marquette and Ontonagon Railroad.	do	June 3, 1856	11	21	do	6	15
		Mar. 3, 1865	13	521	do	10	20
North Wisconsin, formerly Saint Croix and Lake Superior, and branch to Bayfield.†	Wisconsin ...	June 3, 1856	11	20	do	6	15
		May 5, 1864	13	66	do	10	20
Wisconsin Central	do	May 5, 1864	13	66	do	10	20
Saint Vincent extension, Saint Paul and Pacific.†	Minnesota ...	Mar. 3, 1857	11	195	Territory ...	6	15
		Mar. 3, 1865	13	526	State	10	20
Hastings and Dakota†	do	July 4, 1866	14	87	do	10	20
Southern Minnesota†	do	July 4, 1866	14	87	do	10	20
Oregon Central	Oregon	May 4, 1870	16	94	Company ...	20	25

* Number of acres shown by examination of the official

† Evidence of the construction of 60 miles of the North Wisconsin Railroad, 80 miles of the Hastings case of the Saint Vincent Railroad, the

‡ Evidence of the construction of 242 miles has been filed, but as the grant has lapsed

completion of roads within periods prescribed by acts making the grants.

Expiration of grants by original act.	Extended by act—		Expiration of grant by extending act.	Estimated quantity of lands granted.	Length of road completed before expiration of grant.	Estimated quantity of lands earned prior to expiration of grant.	Quantity certified or patented up to June 30, 1879.
	Approved—	Stats.					
		Volume. Page.					
Aug. 11, 1866				<i>Acres.</i> *652, 800. 00	<i>Miles.</i> None..	<i>Acres.</i> None.....	<i>Acres.</i> None.
June 3, 1866				132, 480. 00	None..	None.....	67, 784. 96
June 3, 1866				840, 880. 00	None..	None.....	504, 145. 86
June 3, 1866				150, 000. 00	None..	None.....	None.
May 17, 1866				1, 568, 729. 87	None..	None.....	1, 275, 212. 93
May 17, 1866				183, 153. 99	None..	None.....	37, 583. 29
June 3, 1866				610, 880. 00	94	100, 652. 70	353, 212. 68
Mar. 3, 1876				1, 600, 000. 00	None..	None.....	None.
July 1, 1871				*100, 000. 00	None..	None.....	None.
June 3, 1866	June 18, 1864	19 137	June 3, 1871	} 552, 515. 00	20	76, 800. 00	437, 385. 00
June 3, 1871	May 20, 1868	15 252	Dec. 31, 1872				
June 3, 1866	{ May 5, 1864	18 66	May 5, 1869	1, 408, 455. 69	None..	None.....	843, 497. 56
May 5, 1869							
May 5, 1869	April 9, 1874	18 28	Dec. 31, 1876	1, 800, 000. 00	240	1, 536, 000. 00	546, 446. 05
Mar. 3, 1867	Mar. 3, 1873	17 631	Dec. 3, 1873	} 2, 000, 000. 00	140	896, 000. 00	780, 291. 75
Mar. 3, 1873	June 22, 1874	18 203	Mar. 3, 1876				
Mar. 7, 1877				*475, 000. 00	74	473, 600. 00	169, 790. 81
Feb. 25, 1877				450, 000. 00	20	128, 000. 00	285, 403. 74
May 4, 1876				1, 200, 000. 00	47½	608, 000. 00	None.

records actually subject to the operation of the grants.

and Dakota Railroad, and 43.29 miles of the Southern Minnesota Railroad has been filed, but, as in the Secretary declines to take action thereon.

the Secretary declines to take further action until the whole road is completed.

No. 11.—*Rights of way granted to railway companies in certain States and Territories*

States and Territories.	Date of laws.	Statutes.	Page.	Name of company.
Arizona.....	Mar. 3, 1875	18	482	Southern Pacific Railroad of Arizona.
California.....	Aug. 4, 1852	10	28	California and Northern Railroad.
Do.....	June 20, 1874	18	180	Nevada County Narrow Gauge Railroad.
Do.....	Mar. 3, 1875	18	482	Salmon Creek Railroad.
Do.....	Aug. 4, 1852	10	28	San Joaquin and Mount Diablo Railroad
Colorado.....	June 23, 1874	18	274	Arkansas Valley Railway.
Do.....	Mar. 3, 1875	18	482	Arkansas Valley and New Mexico Railway.
Do.....	Mar. 3, 1875	18	482	Cañon City and San Juan Railway.
Do.....	Mar. 3, 1875	18	482	Colorado and New Mexico Railroad.
Do.....	Mar. 3, 1875	18	482	Colorado Western Railroad.
Do.....	Mar. 3, 1875	18	482	Denver and Middle Park Railway.
Do.....	June 8, 1872	17	389	Denver and Rio Grande Railway.
Do.....	Mar. 3, 1875	18	482	Denver, South Park and Leadville Railway.
Do.....	Mar. 3, 1875	18	482	Denver, South Park and Pacific Railway.
Do.....	Mar. 3, 1875	18	482	Gray's Peak, Snake River and Leadville Railroad.
Do.....	Mar. 3, 1875	18	482	Mount Carbon, Gunnison and Lake City Railroad.
Do.....	Mar. 3, 1875	18	482	Pueblo and Arkansas Valley Railroad.
Do.....	Mar. 3, 1875	18	482	Pueblo and Salt Lake Railway.
Do.....	Mar. 3, 1875	18	482	Saint Vrain Railroad.
Do.....	Mar. 3, 1875	18	482	Spanish Range Railway.
Do.....	Mar. 3, 1875	18	482	Upper Arkansas, San Juan and Pacific Railroad.
Do.....	Mar. 3, 1875	18	482	Wet Mountain Valley Railroad.
Colorado and Wyoming.....	Mar. 3, 1875	18	482	Colorado Central Railroad.
Dakota.....	Mar. 3, 1875	18	482	Chicago, Milwaukee and Saint Paul Railway.
Do.....	Mar. 3, 1875	18	482	Dakota Central Railway.
Do.....	June 1, 1872	17	202	Dakota Grand Trunk Railway.
Do.....	May 27, 1872	17	162	Dakota Southern Railroad.
Do.....	Mar. 3, 1875	18	482	Sioux Falls Railroad.
Do.....	Mar. 3, 1875	18	482	Sioux City and Pembina Railroad.
Florida.....	Mar. 3, 1875	18	482	Atlantic, Gulf and West India Transit Railroad.
Do.....	June 4, 1872	17	224	Great Southern Railway.
Do.....	June 7, 1872	17	280	Jacksonville and Saint Augustine Railroad
Do.....	Mar. 3, 1875	18	482	Jacksonville, Pensacola and Mobile Railroad.
Florida and Alabama.....	June 8, 1872	17	340	Pensacola and Louisville Railroad.
Do.....	Mar. 3, 1875	18	482	West Florida and Mobile Railroad.
Iowa.....	June 4, 1872	17	220	Davenport and Saint Paul Railroad.
Louisiana.....	Mar. 3, 1875	18	482	Louisiana Western Railroad.
Minnesota.....	Mar. 3, 1875	18	482	Chicago and Dakota Railway.
Minnesota and Dakota.....	Mar. 3, 1875	18	482	{ Worthington and Sioux Falls Railroad
	Apr. 2, 1878	20	32	
Nevada and Oregon.....	Feb. 5, 1875	18	306	Oregon Central Railway.
New Mexico.....	June 8, 1872	17	343	New Mexico and Gulf Railway.
Do.....	Mar. 3, 1875	18	482	New Mexico and Southern Pacific Railroad.
Oregon.....	Mar. 3, 1875	18	482	Port Orford and Roseburg Railroad.
Do.....	Mar. 3, 1875	18	482	Blue Mountain and Columbia River Railroad.
Oregon and Utah.....	Apr. 12, 1872	17	52	{ Portland, Dalles and Salt Lake Railroad.
	Mar. 3, 1873	17	612	
Utah.....	Mar. 3, 1875	18	482	Bingham Cañon and Camp Floyd Railroad.
Do.....	Mar. 3, 1875	18	482	San Pete Valley Railroad.

No. 11.—*Rights of way granted to railway companies, &c.*—Continued.

States and Territories.	Date of laws.	Statutes.	Page.	Name of company.
Utah.....	Mar. 3, 1875	18	482	Utah and Pleasant Valley Railroad.
Do.....	Dec. 15, 1870	16	395	Utah Central Railroad.
Do.....	Mar. 3, 1875	18	482	Utah Southern Railroad.
Do.....	Mar. 3, 1875	18	482	Utah Southern Extension Railroad.
Do.....	Mar. 3, 1875	18	482	Utah Western Railroad.
Do.....	Mar. 3, 1875	18	482	Wasatch and Jordan Valley Railroad.
Utah, Idaho, and Montana	June 1, 1872	17	212	Utah, Idaho and Montana Railroad.
Do.....	Mar. 3, 1873	17	612	} Utah and Northern Railroad—Utah and North- ern Railway.
	June 20, 1878	20	241	
Washington.....	Mar. 3, 1875	18	482	Occidental and Oriental Railroad.
Do.....	Mar. 3, 1875	18	482	Seattle and Walla-Walla Railroad.
Do.....	Mar. 3, 1869	15	325	} Walla-Walla and Columbia River Railroad.
	Mar. 3, 1873	17	613	
	Mar. 3, 1875	18	482	
Wisconsin.....	Mar. 3, 1875	18	482	Black River Railroad.
Do.....	Mar. 3, 1875	18	482	Wisconsin Central Railroad.
Wyoming.....	Mar. 3, 1875	18	482	Evanston and Montana Railroad.
Do.....	Mar. 3, 1875	18	482	Wyoming Central Railroad.

No. 12.—*Abstract of suspended cases in the public lands division of the General Land Office fiscal year ending June 30, 1879, under sections 2450-2457 United States*

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
1	Susanville, Cal.....	Homestead	24	741	John T. Hamilton
2	Denver, Colo	do	24	1050	John Schimpf.....
3	do	do	24	1051	William Bonnifield
4	Bloomington, Nebr.....	do	25	974	William M. Clapp.....
5	Lincoln, Nebr	do	19	7833	Joseph Reynolds
6	do	do	19	7875	Xenophon Brandhoefer ...
7	Wichita, Kans.....	do	19	1987	Sarah E. Wormald.....
8	do	do	19	2223	Edmund Ashworth
9	do	do	25	2279	John B. Shindler.....
10	do	do	25	2320	Samuel Pride
11	do	do	24	2324	Phillip B. Frost.....
12	do	do	25	2347	Alexander J. Moreland ...
13	do	do	25	2403	Thomas K. Fullum.....
14	Kirwin, Kans.....	do	25	422	James C. Hammond.....
15	do	do	25	538	Michael Marsch.....
16	do	do	25	2011	Robert E. Hartwell
17	do	do	25	3072	Samuel M. Hawk
18	do	do	25	3253	James E. Sumpter
19	do	do	25	4396	Arvilla Morrill, widow of John A. Morrill, deceased.
20	do	do	25	4633	William Barton.....
21	Salina, Kans.....	do	27	14618	Cynthia Blake, wife of Wil- liam Blake.
22	do	do	25	11802	Thomas F. Donahue
23	Concordia, Kans.....	do	27	8400	Bridget A. Clore, wife of Henry F. Clore.
24	Topeka, Kans.....	do	24	3046	George Wilson.....
25	Independence, Kans.....	do	25	1489	O. J. Skinner
26	Taylor's Falls, Minn.....	do	24	1287	G. Hans Erickson.....
27	New Ulm, Minn	do	24	3457	Adison D. Fowley.....
28	Litchfield, now Benson, Minn	do	25	4660	Nils Bergren
29	Benson, Minn.....	do	25	4965	Tidemand Ulrickson.....
30	do	do	25	5011	Andrew Dolberg.....
31	Jackson, now Worthington, Minn.	do	24	6537	Patrick Mangner
32	Worthington, Minn.....	do	25	8605	Hans C. Johanson

which have been confirmed by the board of adjudication upon equitable principles, during the Revised Statutes, as amended by act of Congress of February 27, 1877.

Parts of section.	Section.	Township.	Range.	Cause of suspension.	Date of confirmation.
W. $\frac{1}{2}$ S. W. $\frac{1}{2}$	27				
and W. $\frac{1}{2}$ N. W. $\frac{1}{2}$	34	28	8	Proof not made in time. Reason, ignorance.	Aug. 28, 1878
W. $\frac{1}{2}$ S. W. $\frac{1}{2}$	2	10	64	Proof not made in time. Reason, sickness in family.	Do.
E. $\frac{1}{2}$ N. W. $\frac{1}{2}$ and W. $\frac{1}{2}$ N. E. $\frac{1}{2}$	19	7	64	Proof not made in time. Reason, ignorance.	Do.
S. W. $\frac{1}{2}$ S. E. $\frac{1}{2}$ and S. E. $\frac{1}{2}$ S. W. $\frac{1}{2}$	28				
and N. E. $\frac{1}{2}$ N. W. $\frac{1}{2}$ and N. W. $\frac{1}{2}$ N. E. $\frac{1}{2}$	33	3	10	Settlement not made in time. Reason, bad weather.	Do.
N. E. $\frac{1}{2}$	32	7	1	Conflict with prior homestead entries Nos. 8819 and 8928; prior entries canceled Dec. 19, 1872.	Do.
E. $\frac{1}{2}$ S. E. $\frac{1}{2}$	20	11	1	Conflict with prior homestead entry No. 8325; prior entry canceled Jan. 31, 1873.	Do.
E. $\frac{1}{2}$ S. E. $\frac{1}{2}$	6	24	1	Conflict with prior homestead entry No. 683; prior entry canceled Dec. 1, 1873.	Do.
W. $\frac{1}{2}$ S. E. $\frac{1}{2}$	6	24	1	do.	Do.
N. E. $\frac{1}{2}$	14	26	1	Settlement not made in time. Reason, sickness.	Do.
N. E. $\frac{1}{2}$	18	22	2	Settlement not made in time. Reason, sickness and death in family.	Do.
E. $\frac{1}{2}$ N. E. $\frac{1}{2}$	10				
and W. $\frac{1}{2}$ N. W. $\frac{1}{2}$	11	26	5	Proof not made in time. Reason, ignorance of the law.	Do.
N. $\frac{1}{2}$ S. W. $\frac{1}{2}$	22	25	3	Settlement not made in time. Reason, poverty and severity of the winter.	Do.
N. W. $\frac{1}{2}$	26	25	3	Settlement not made in time. Reason, sickness of himself and family.	Do.
S. W. $\frac{1}{2}$ N. E. $\frac{1}{2}$ and E. $\frac{1}{2}$ N. W. $\frac{1}{2}$ and N. E. $\frac{1}{2}$ S. W. $\frac{1}{2}$	5	5	13	Settlement not made in time. Reason, bad roads and weather. Certificate not issued; original number given.	Do.
N. E. $\frac{1}{2}$	23	8	11	Settlement not made in time. Reason, sickness of horses. Certificate not issued; original number given.	Do.
W. $\frac{1}{2}$ N. W. $\frac{1}{2}$	3				
and E. $\frac{1}{2}$ N. E. $\frac{1}{2}$	4	5	13	Residence not continuous. Reason, inclemency of the weather. Certificate not issued; original number given.	Do.
S. E. $\frac{1}{2}$	21	6	11	Settlement not made in time. Reason, sickness. Certificate not issued; original number given.	Do.
N. W. $\frac{1}{2}$	11	6	13	Settlement not made in time. Reason, sickness of family. Certificate not issued; original number given.	Do.
S. W. $\frac{1}{2}$	15	7	9	Settlement not made in time. Reason, death of husband. Certificate not issued; original number given.	Do.
S. W. $\frac{1}{2}$	24	7	9	Settlement not made in time. Reason, sickness. Certificate not issued; original number given.	Do.
N. E. $\frac{1}{2}$	12	19	2	An abandoned wife makes proof on her husband's entry. Certificate not issued; original number given.	Do.
S. $\frac{1}{2}$ N. W. $\frac{1}{2}$	20	11	2	Settlement not made in time. Reason, physical disability. Certificate not issued; original number given.	Do.
S. E. $\frac{1}{2}$	23	4	3	An abandoned wife makes proof on her husband's entry. Certificate not issued; original number given.	Do.
S. E. $\frac{1}{2}$	2	14	11	Proof not made in time. Reason, loss of duplicate receipt.	Do.
S. $\frac{1}{2}$ N. E. $\frac{1}{2}$	6	25	16	Settlement not made in time. Reason, sickness of wife and attendance at court.	Do.
N. $\frac{1}{2}$ S. E. $\frac{1}{2}$	22	37	23	Proof not made in time. Reason, sickness.	Do.
S. E. $\frac{1}{2}$ S. W. $\frac{1}{2}$	12	107	12	Proof not made in time. Reason, ignorance of the law.	Do.
N. $\frac{1}{2}$ N. W. $\frac{1}{2}$	2	120	36	Settlement not made in time. Reason, want of means. Certificate not issued; original number given.	Do.
N. E. $\frac{1}{2}$	4	116	35	Settlement not made in time. Reason, severe snow storm.	Do.
N. $\frac{1}{2}$ N. W. $\frac{1}{2}$	14	121	37	Settlement not made in time. Reason, poverty.	Do.
E. $\frac{1}{2}$ N. E. $\frac{1}{2}$	18	101	4	Proof not made in time. Reason, sickness.	Do.
N. E. $\frac{1}{2}$ S. E. $\frac{1}{2}$	32	104	19	Residence not made in time. Reason, house on adjoining tract by mistake.	Do.

No. 12.—Abstract of suspended cases in the public lands

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
33	Stevens Point, Wis	Homestead	25	1065	Oley Gunderson
34	Des Moines, Iowa	do	19	1305	Frank P. Anderson
35	do	do	19	1313	Bonifacius Erne
36	Marquette, Mich	do	24	139	Betsey E. Seaman
37	do	do	24	171	Peter Olmsted
38	Reed City, Mich	do	24	3406	Benjamin H. Avery
39	do	do	24	3411	Julius Ditterick
40	Traverse City, Mich	do	24	3504	Arthur West
41	Springfield, Mo	do	24	2025	Charles H. Martin
42	do	do	24 & 25	3199	George Haynes
43	Ironton, Mo	do	24	1222	Elizabeth J. Roberts, widow of J. N. Roberts, deceased.
44	do	do	24	1311	William R. Smothermon
45	Harrison, Ark	do	25	2258	David Green
46	Gainesville, Fla	do	24	1063	John O. Canova
47	do	do	24	1084	Edward Harrington
48	do	do	24	1108	Nace Miles
49	do	do	24	1179	Coaster Allen
50	do	do	24	1250	Israel Taswell
51	do	do	24	1295	Eliza Brazil
52	do	do	24	1363	Claraoy Boulware, widow of Armistead Boulware, de- ceased.
53	do	do	24	1373	Joshua H. Ezell
54	Monroe, La	do	Spec.	144	Prinius McNeal
55	New Orleans, La	no	24 & 25	568	Nelson Scott
56	do	do	24 & 25	569	Harvey Scott
57	do	do		654	Alfred Ivey
58	do	do		655	William N. Crawford
59	do	do		708	Mary A. Walsh
60	do	do		742	Samuel Blackburn
61	do	do		754	Joseph Brown
62	do	do		767	John Heating
63	do	do		769	Jacob Selvicque
64	do	do		780	Augustus Fowler
65	do	do		783	Miss Sarah Cogan
66	do	do		772	Thomas S. Bond
67	do	do		743	Milton Thompson
68	do	do		744	Seaborn Kingery
69	do	do	24	664	M. A. Beranger
70	do	do	24	668	Eliot Bridgman
71	do	do	24	718	W. R. Griffin
72	do	do	24	768	Joseph Fiskling
73	do	do	24	771	A. Pujo
74	do	do	24	782	G. W. Hutchinson

Division of the General Land Office, &c.—Continued.

Parts of section.	Section.	Town.	Range.	Cause of suspension.	Date of confirmation.
W. $\frac{1}{2}$ N. W. $\frac{1}{4}$	31				
and W. $\frac{1}{2}$ S. W. $\frac{1}{4}$	30	32	8	Settlement not made in time. Reason, sickness of family and poverty. Certificate not issued; original number given.	Aug. 28, 1878
N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	36	91	33	Conflict with prior entry, No. 3310. Prior entry canceled May 2, 1873.	Do.
S. $\frac{1}{2}$ N. E. $\frac{1}{4}$	32	91	33	Conflict with prior entry, No. 3275. Prior entry canceled May 23, 1874.	Do.
S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	24				
and W. $\frac{1}{2}$ N. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$	25	42	5	Proof not made in time. Reason, see affidavits with case.	Do.
N. E. $\frac{1}{4}$					
S. E. $\frac{1}{4}$	32	42	4	Proof not made in time. Reason, poverty and sickness.	Do.
N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	36	11	4	Proof not made in time. Reason, ignorance.	Do.
N. $\frac{1}{2}$ N. W. fl. $\frac{1}{4}$	30	9	16		
and N. $\frac{1}{2}$ N. E. $\frac{1}{4}$	25	9	17	Proof not made in time. Reason, ignorance of the law.	Do.
W. fl. $\frac{1}{4}$ of N. W. fl. $\frac{1}{4}$ and N. E. fl. $\frac{1}{4}$ of N. W. fl. $\frac{1}{4}$	6	30	7	Proof not made in time. Reason, citizenship not perfected in time.	Do.
N. $\frac{1}{2}$ S. W. $\frac{1}{4}$	13	33	18	Proof not made in time. Reason, sickness and poverty.	Do.
N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	32	23	24	Proof and settlement not made in time. Reason, poverty.	Do.
N. $\frac{1}{2}$ N. E. $\frac{1}{4}$	17				
and S. $\frac{1}{2}$ S. E. $\frac{1}{4}$	8	20	9	Proof not made in time. Reason, sickness and death.	Do.
E. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and S. $\frac{1}{2}$ N. W. $\frac{1}{4}$	14	26	7	.....do.....	Do.
E. $\frac{1}{2}$ N. W. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	11	14	8	Settlement not made in time. Reason, sickness in family.	Do.
Lots 3 and 4	31	7	30	Proof not made in time. Reason, sickness.	Do.
W. $\frac{1}{2}$ N. E. $\frac{1}{4}$	12	15	21	.....do.....	Do.
E. $\frac{1}{2}$ N. W. $\frac{1}{4}$	34	13	22	.....do.....	Do.
W. $\frac{1}{2}$ N. W. $\frac{1}{4}$	20	1	12	Proof not made in time. Reason, ignorance.	Do.
S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	2	3	4	Proof not made in time. Reason, sickness (blind).	Do.
E. $\frac{1}{2}$ S. E. $\frac{1}{4}$	30	2	27	Proof not made in time. Reason, bodily infirmity.	Do.
N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	8	9	22	Proof not made in time. Reason, waiting for entry to be amended to embrace improvements.	Do.
N. $\frac{1}{2}$ S. W. $\frac{1}{4}$	27				
and N. $\frac{1}{2}$ S. E. $\frac{1}{4}$	28	5	8	Proof not made in time. Reason, ignorance of the law.	Do.
S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and N. $\frac{1}{2}$ S. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	25	14	5	See Commissioner's letter with case.	Do.
Lots 2 and 3	32	7	3	Proof and settlement not made in time. Reason, ignorance of the law, &c.	Do.
S. $\frac{1}{2}$ N. W. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$	4	8	3	.....do.....	Do.
S. $\frac{1}{2}$ S. W. $\frac{1}{4}$	25	8	13	Proof not made in time. Reason, poverty.	Jan. 9, 1879
S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	15				
and N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	22				
and N. $\frac{1}{2}$ N. E. $\frac{1}{4}$	21	7	14	.....do.....	Do.
Lot No. 57	8	15	12	.....do.....	Do.
N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	19	5	2	.....do.....	Do.
N. $\frac{1}{2}$ N. E. $\frac{1}{4}$	27	9	3	.....do.....	Do.
N. $\frac{1}{2}$ N. E. $\frac{1}{4}$	21	5	11	.....do.....	Do.
E. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$	36	7	3	.....do.....	Do.
S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	27	9	3	.....do.....	Do.
S. W. $\frac{1}{4}$	34	6	10	Proof not made in time. Reason, poverty.	Do.
Lots 4 and 5	34	7	3	Proof not made in time. Reason, neglect of his agent in not sending his proof.	Do.
N. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$	28	9	8	.....do.....	Do.
N. E. $\frac{1}{4}$	5	7	7	Proof not made in time. Reason, neglect of the clerk of the court to send proof.	Do.
N. $\frac{1}{2}$ N. E. $\frac{1}{4}$	11	7	10	Proof not made in time. Reason, sickness.	Do.
S. $\frac{1}{2}$ N. E. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	28	7	1	Proof not made in time. Reason, ignorance of the law.	Do.
N. E. $\frac{1}{4}$	30	6	12	Proof not made in time. Reason, sickness.	Do.
N. E. $\frac{1}{4}$	4	8	3	.....do.....	Do.
N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	7	10	8	Proof not made in time. Reason, ignorance of the law.	Do.
N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and lot 2	27	4	10	.....do.....	Do.

No. 12.—*Abstract of suspended cases in the public land*

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
75	New Orleans, La.	Homestead	24	784	F. Pechon
76	do	do	24	787	James Devins
77	Eau Claire, Wis.	do		1794	George E. Brewster
78	do	do		1782	Felix Anderson
79	do	do		1892	Gilbert Anderson
80	do	do	25	1925	Ole J. Shelsvick
81	do	do		1929	Dugon Olson
82	do	do		2065	Christian Johnson
83	do	do	25	2324	Lewis Anderson
84	Menasha, Wis.	do	24	846	Prosper Naze
85	Eau Claire, Wis.	do	27	2219	Charles L. Stewart
86	Camden, Ark	do		715	Jesse R. Stinnett
87	Harrison, Ark	do	24	2268	Catlet Fitch
88	do	do	24	2327	Thomas J. Barney
89	do	do	24	4983	John Carlock
90	do	do	24	2292	James R. Reeves
91	do	do	24	2330	John W. Gaines
92	Lincoln, Nebr.	do	24	6118	Isaac French, heir of Joanna French, deceased.
93	do	do	24	7784	Thomas Crawford
94	do	do	24	6708	James A. Graves
95	do	do	24	4250	Jacob Andra
96	do	do	25	3068	Robert James
97	Grand Island, Nebr.	do	25	1952	Anthony Moore
98	Niobrara, Nebr.	do	24	1130	Louis Patras
99	Lincoln, now Bloomington, Nebr.	do		439	John Campbell
100	Wichita, Kans.	do	25	2283	John D. Bricker
101	do	do	25	2406	J. H. Clark
102	do	do	25	2416	Daniel Dell
103	do	do	25	2422	George Gay
104	do	do	27	2427	Bernard Brady
105	Gainesville, Fla.	do	24	1168	Levi S. Whitehurst
106	do	do	24	1127	Toby Session

division of the General Land Office, &c.—Continued.

Parts of section.	Section.	Township.	Range.	Cause of suspension.	Date of confirmation.
N. W. $\frac{1}{4}$	12	6	10	Proof not made in time. Reason, ignorance of the law.	Jan. 9, 1879.
N. E. $\frac{1}{4}$	14	8	12	do	Do.
S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and N. $\frac{1}{4}$ S. W. $\frac{1}{4}$	22				
and N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	27	31	10	Settlement not made as required. Reason, obliged to work out. Settlement continuous since April 13, 1873.	Do.
S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	20				
and S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	21				
and W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	28	32	10	Settlement not made as required. Reason, destruction of building materials by fire. Settlement continuous since Oct. 20, 1872.	Do.
N. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	26	32	11	Settlement not made as required. Reason, poverty. Settlement continuous since April 21, 1873.	Do.
and S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$					
N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	12	33	11	Settlement not made as required. Reason, sickness in his family.	Do.
$\frac{1}{4}$ and lot 6.					
S. E. $\frac{1}{4}$	10	33	11	Settlement not made as required. Reason, poverty. Settlement continuous since May 1, 1872.	Do.
S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	19	32	10	Settlement not made as required. Reason, settled on an adjoining tract in error. Did not take up residence on proper land for three years, after learning mistake, for want of means.	Do.
S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	18	33	11	Settlement not made as required. Reason, physical disability.	Do.
N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	34	26	24	Proof not made in time. Reason, ignorance of the law.	Do.
N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and S. $\frac{1}{4}$ S. E. $\frac{1}{4}$	8				
and N. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	17	32	9	Final proof made by a deserted wife.	Do.
E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	24				
and S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	13	11	18		
and S. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$	18	11	17	Final certificate issued to the divorced wife of the settler, to whom the homestead has been decreed by the court. See Commissioner's letter with the papers.	Do.
S. $\frac{1}{4}$ N. E. $\frac{1}{4}$	1	17	28	Final proof not made in time. Reason, ignorance.	Do.
S. E. $\frac{1}{4}$	13	16	23	Final proof not made in time. Reason, death of the settler.	Do.
N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	30	17	25	Final proof not made in time. Reason, application to amend not allowed within seven years.	Do.
E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	30	16	16	do	Do.
N. $\frac{1}{4}$ N. E. $\frac{1}{4}$	5	18	15	do	Do.
E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	18	9	1	Final proof not made in time. Reason, ignorance of the law.	Do.
W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	12	8	7	do	Do.
W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	30	9	9	do	Do.
N. $\frac{1}{4}$ N. W. $\frac{1}{4}$	20	12	2	Final proof not made in time. Reason, entry erroneously canceled and not reinstated within seven years.	Do.
N. W. $\frac{1}{4}$	32	11	2	Settlement not made as required. Reason, sickness.	Do.
N. $\frac{1}{4}$ N. E. $\frac{1}{4}$	22	10	12	Settlement not made as required. Reason, was unable to reach his entry on account of high water.	Do.
N. $\frac{1}{4}$ N. E. $\frac{1}{4}$	35				
and S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	26				
and S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	25	26	8	Final proof not made in time. Reason, did not furnish proof of citizenship in time.	Do.
N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and N. E. $\frac{1}{4}$	2	9	10	Party died before being naturalized. Special. (See Commissioner's letter herewith.)	Do.
N. W. $\frac{1}{4}$					
S. W. $\frac{1}{4}$	30	23	4	Settlement not made as required. Reason, sickness.	Do.
S. $\frac{1}{4}$ N. E. $\frac{1}{4}$	20	23	3	do	Do.
W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	24	22	3	do	Do.
W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	32	25	2	do	Do.
S. W. $\frac{1}{4}$	14	24	4	An abandoned wife makes proof.	Do.
Lot No. 1	27	28	15	Final proof not made in time. Reason, sickness.	Do.
Lot No. 5	31	2	27	do	Do.

No. 12.—Abstract of suspended cases in the public lands

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
107	Gainesville, Fla.	Homestead	24	1106	E. C. Brown
108	Denver, Colo.	do	24	1058	Charles Babcock
109	Red Wood Falls, Minn.	do	24	1425	George J. Davis
110	Worthington, Minn.	do		5018	Hans Charlstrom
111	Des Moines, Iowa	do	19	1314	William Stahlbock
112	Marquette, Mich.	do	24	174	Addison M. Fairchild
113	Bozeman, Mont.	do	24	160	John M. Cook
114	Sioux City, Iowa	do	19	4874	Elias Roberts
115	La Grande, Oreg.	do	24	361	James McCoy
116	Sioux Falls, Dak.	do	24	1939	John B. Moran
117	Springfield, Mo.	do	24	30	Mathew Potter
118	Norfolk, Nebr.	do	24	2003	John H. Goncher
119	do	do	24	3063	Jorgen Madsen
120	Lincoln, Nebr.	do	24	8568	John Bryan
121	Bloomington, Nebr.	do		5631	Isaac Birdsall
122	Grand Island, Nebr.	do		1769	Marn Johnson
123	do	do		1200	Lawrence Fleming
124	Beatrice, Nebr.	do	19	3726	Gerhard Hopkin
125	Wichita, Kans.	do	24	2440	David B. Knox
126	do	do	25	2445	H. Wilson Harvey
127	Salina, Kans.	do	24	11044	Thomas Bowyer
128	do	do		11149	Charles Senbert
129	do	do		13909	S. P. Lowrey
130	Concordia, Kans.	do		4423	Roderick Bates
131	Harrison, Ark.	do	24	2272	John Matlock
132	Little Rock, Ark.	do	24	982	Wiley Dutton
133	do	do	24	324	William E. Carter
134	Dardanelle Ark.	do		635	John L. Martin
135	do	do		696	James S. Jones
136	Vancouver, Wash.	do	25	646	Mathias Springer
137	Olympia, Wash.	do	24	924	Isaac Doherty
138	Roseburg, Oreg.	do	24	1035	Daniel Chapman
139	Oregon City, Oreg.	do	24	1708	Francis Hill
140	San Francisco, Cal.	do	25	2102	R. N. Tate

No. 12.—Abstract of suspended cases in the public lands

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
141	Marysville, Cal	Homestead	19	731	W. P. Clift
142	New Orleans, La	do	24	741	Thomas Anderson, deceased. Proof by his widow (Sarah).
143	Menasha, Wis	do	19	556	T. Youngblood
144	Taylor's Falls, Minn	do	25	1237	Nels M. Okerstram
145	do	do	25	1262	David Annis
146	Marquette, Mich	Cash	19	3753	William Orpitz and Mathias Weih.
147	Fergus Falls, Minn	Homestead	24	504	William L. McKenzie
148	do	do		1484	Andrew Olsen
149	do	do	25	1487	Otto Erickson
150	do	do		1609	Thomas Gaffy
151	do	do		1643	Nils Peterson
152	do	do		1757	Ole K. Olson
153	do	do		1782	Hans Peterson
154	do	do	25	1831	Arnette Peterson
155	do	do		1844	Anders Oslund
156	do	do		1845	Swen Oslund
157	Little Rock, Ark	do		1529	Louis F. Carr
158	Kirwin, Kans	do		1619	Isaac F. Neifert
159	Concordia, Kans	do		5429	Gilbert F. Hendrickson
160	do	do		8862	Frederick Ceringer
161	do	do		4209	Charles Swift
162	Salina, Kans	do		3891	Julius E. Bisby
163	Pueblo, Colo	do		242	Philip Hayes
164	Fair Play, Colo	Cash	11	344	David F. Miller
165	Boonville, Mo	Homestead	24	2877	John M. Jones
166	do	do	24	2884	William Miles
167	do	do	24	2892	Isom Butler
168	Springfield, Mo	do	24	3702	Lacy W. Adams
169	do	do	27	3690	Caroline Garland
170	Norfolk, Nebr	do	19	3259	Jesse Foglesong
171	do	do	19	3263	David A. Hale
172	Bloomington, Nebr	do		5693	Jacob Stanslow
173	Marysville, Cal	do	24	522	Frederick A. Bailey
174	Humboldt, Cal	Homestead No. 942, commuted to cash 3654.	Spec	3654	John F. Smidt

division of the General Land Office, &c.—Continued.

Parts of section.	Section.	Township.	Range.	Cause of suspension.	Date of confirmation.
N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	26	16	2	In conflict with a prior State indemnity school selection, which was set aside by the Secretary of the Interior August 21, 1878. Objection removed.	Nov. 25, 1878
N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	19	5	2	Final proof not made in time. Reason, pecuniary embarrassment.	Do.
S. $\frac{1}{2}$ S. E. $\frac{1}{4}$	8	29	22	In conflict with prior homestead entry No. 779, which was canceled August 24, 1878; objection removed.	Do.
N. W. $\frac{1}{4}$	12	37	24	Settlement not made in time. Reason, sickness.	Do.
S. E. $\frac{1}{4}$	6	36	25	do	Do.
W. $\frac{1}{2}$ N. W. $\frac{1}{4}$ and W. $\frac{1}{2}$ S. W. $\frac{1}{4}$	7	55	34	In conflict with prior homestead entry No. 29, dated July 15, 1863, which was canceled August 28, 1878.	Do.
Lots 1, 2, 3, 4, and 6.....	4	127	39	Final proof not made in time. Reason, ignorance.	Do.
S. E. $\frac{1}{4}$	14	129	43	Settlement not made as required. Reason, delay in reaching his homestead with stock.	Do.
S. $\frac{1}{2}$ S. E. $\frac{1}{4}$ and fl. S. $\frac{1}{2}$ S. W. $\frac{1}{4}$	6	128	42	Settlement not made as required. Reason, sickness in family.	Do.
S. E. $\frac{1}{4}$	4	136	45	Settlement not made as required. Reason, poverty and severity of winter.	Do.
S. E. $\frac{1}{4}$	34	128	42	Settlement not made as required. Reason, mistake as to the proper tract.	Do.
S. $\frac{1}{2}$ N. W. $\frac{1}{4}$	8	136	44	Settlement not made as required. Reason, poverty.	Do.
W. $\frac{1}{2}$ S. E. $\frac{1}{4}$	8	185	44	do	Do.
Fractional S. $\frac{1}{2}$ S. E. $\frac{1}{4}$	18	136	43	Settlement not made as required. Reason, sickness.	Do.
N. W. $\frac{1}{4}$	26	127	41	Settlement not made as required. Reason, poverty.	Do.
S. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and S. $\frac{1}{2}$ S. E. $\frac{1}{4}$	22	127	41	Settlement not made as required. Reason, severity of winter.	Do.
S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$	8	2	3	Settlement not made as required. Reason, ignorance.	Do.
S. E. $\frac{1}{4}$	27	7	9	Settlement not made as required. Reason, bad roads.	Do.
N. E. $\frac{1}{4}$	25	7	1	Settlement not made as required. Reason, heavy rains.	Do.
W. $\frac{1}{2}$ S. E. $\frac{1}{4}$	10	3	6	Settlement not made as required. Reason, mistaken as to the proper tract.	Do.
W. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	33	2	7	Final proof not made as required. Reason, absence of the proof of witnesses.	Do.
S. W. $\frac{1}{4}$	32	14	6	In conflict with prior homestead entry No. 5714, to the extent of the E. $\frac{1}{4}$ S. W. $\frac{1}{4}$, which was canceled September 23, 1873.	Do.
N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and S. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$	6 7	19	70	In conflict with prior homestead entry No. 198, which was canceled September 14, 1875.	Do.
S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	2				
and N. $\frac{1}{4}$ N. E. $\frac{1}{4}$	11				
and N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	12	10	77	Land not offered at date of entry.....	Do.
E. $\frac{1}{2}$ lot 6 of N. E. $\frac{1}{4}$	1	39	4	Final proof not made in time. Reason, sickness.	Do.
W. $\frac{1}{2}$ N. E. $\frac{1}{4}$	29	39	6	Final proof not made in time. Reason, ignorance.	Do.
N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	31	40	3	Final proof not made in time. Reason, sickness.	Do.
E. $\frac{1}{4}$ of lot 6 and 7 of N. W. $\frac{1}{4}$ and W. $\frac{1}{4}$ of lot 8 of N. E. $\frac{1}{4}$	6	34	18	do	Do.
S. $\frac{1}{2}$ N. E. $\frac{1}{4}$	26	25	25	An abandoned wife makes proof.....	Do.
S. $\frac{1}{2}$ S. E. $\frac{1}{4}$	8	18	8	In conflict with prior homestead entry No. 1452, which was canceled March 14, 1874.	Do.
S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and N. $\frac{1}{4}$ S. E. $\frac{1}{4}$	14	22	3	In conflict with prior homestead entry No. 4434, which was canceled March 14, 1874.	Do.
S. $\frac{1}{2}$ N. E. $\frac{1}{4}$ and S. $\frac{1}{2}$ N. W. $\frac{1}{4}$	18	1	16	Proof not furnished that settlement was made in time. Reason, there were no witnesses that knew the claimant at the date of his entry.	Do.
S. $\frac{1}{2}$ S. E. $\frac{1}{4}$	27	18	5	Final proof not made in time. Reason, ignorance.	Do.
N. W. $\frac{1}{4}$	23	9	2	Settlement not made in time. Reason, special. (See supplemental affidavit of the party to the entry.)	Do.

No. 12.—*Abstract of suspended cases in the public land*

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
175	La Grande, Oreg.....	Homestead.....	Special.	312	Hosea L. Dougherty.....
176	Helena, Mont.....	do.....	Special.	237	Silvian Vitana.....
177	Nebraska City, Nebr.....	Com. homestead, No. 323; warrant 104496.	Special.	104496	Hezekiah D. Cox.....
178	Salt Lake City, Utah.....	Homestead.....	24	1028	Olof John Hohnstedt.....
179	Helena, Mont.....	do.....		233	William A. Hensley.....
180	Larned, Kans.....	do.....	25	589	Robert S. Morgan.....
181	Topeka, Kans.....	do.....	24	2186	William McVaigh.....
182	do.....	do.....	24	2210	James Bradford.....
183	Lincoln, Nebr.....	do.....	19	1505	Thomas L. Myers.....
184	Des Moines, Iowa.....	do.....	25	1260	Nicholas Goodale.....
185	Menasha, Wis.....	do.....	24	714	Forsten Nilson.....
186	do.....	do.....	25	824	Christian Rasmussen.....
187	Wausau, Wis.....	do.....	25	1434	Isaac Roe.....
188	Eau Claire, Wis.....	do.....	24	1869	William S. Hand.....
189	La Crosse, Wis.....	do.....	24	5918	Konrad Foehling.....
190	do.....	do.....	24	5309	Joseph Wstecka.....
191	do.....	do.....	25	5525	John O. Laughlin.....
192	Falls Saint Croix, Wis.....	do.....	24	2506	D. Raimer.....
193	do.....	do.....	24	2534	Elisha B. Warehouse.....
194	do.....	do.....	25	2630	Anders G. Johansson.....
195	Red Wood Falls, Minn.....	do.....	25	1301	Ola Olason.....
196	do.....	do.....	24	1175	Michael Early.....
197	Saint Cloud, Minn.....	do.....		6710	Daniel Buckley.....
198	do.....	do.....		6929	Jacob Kowitz.....
199	Benson, Minn.....	do.....	25	4716	Ole Ericksen.....
200	do.....	do.....	25	4855	Tosten Olsen.....
201	Worthington, Minn.....	do.....	24	6658	Martha Taylor.....
202	do.....	do.....		6998	Ole Olason.....
203	East Saginaw, Mich.....	do.....		1106	George Lauchner.....
204	do.....	do.....	24	1137	Henry Germain.....
205	Marquette, Mich.....	do.....	24	182	Charles Growden.....
206	Reed City, Mich.....	do.....	24	3451	John D. Filkins.....

division of the General Land Office, &c.—Continued.

Parts of section.	Section.	Township.	Range.	Cause of suspension.	Date of confirmation.
S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	10	3	40	Absent from his entry more than six months to attend the settlement of an estate involving his property. Special. (See the party's corroborated affidavit.)	Nov. 28, 1878
W. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$	31 1	5 4	9 10	Final proof not made in time. Reason, unavoidable delay in establishing the non-mineral character of the land.	Do.
S. $\frac{1}{2}$ S. E. $\frac{1}{4}$ and N. $\frac{1}{4}$ N. E. $\frac{1}{4}$	13 24	13	9	No proof of settlement and cultivation, or citizenship. (See Commissioner's letter with the papers in the case, submitting it as <i>special</i> .)	Do.
Lot 1 and lot 3.....	29 20	6	1	Proof not made within statutory period. Reason, ignorance of the law.	Jan. 23, 1879
S. $\frac{1}{2}$ N. E. $\frac{1}{4}$ and W. $\frac{1}{2}$ S. E. $\frac{1}{4}$	10	4	10	Residence not continuous. Reason, inundation and neglect of attorney.	Do.
N. E. $\frac{1}{4}$	14	23	16	Settlement not made within statutory period. Reason, physical disability.	Do.
N. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$	26	22	20	Proof not made within statutory period. Reason, poverty.	Do.
N. $\frac{1}{2}$ S. E. $\frac{1}{4}$	34	3	9	Proof not made within statutory period. Reason, physical disability.	Do.
E. $\frac{1}{2}$ S. E. $\frac{1}{4}$	10	10	6	Conflict with prior timber-culture entry, No. 21. Prior entry subsequently canceled.	Do.
N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$	2	89	17	Settlement not made within statutory period. Reason, poverty. Commuted to cash 21492 after final certificate had. issued.	Do.
N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	28				
and S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	27	24	12	Final proof not made within statutory period. Reason, ignorance of the law.	Do.
N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and W. $\frac{1}{2}$ N. W. $\frac{1}{2}$	4	27	18	Settlement not made within statutory period. Reason, poverty.	Do.
N. E. $\frac{1}{4}$	26	29	2	Settlement not made within statutory period. Reason, poverty and physical disability.	Do.
W. $\frac{1}{2}$ N. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	23 24	33	10	Proof not made within statutory period. Reason, ignorance.	Do.
S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	12	11	4	Proof not made within statutory period. Reason, could not procure citizenship papers in time.	Do.
S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	15	14	7	Proof not made within statutory period. Reason, ignorance of the law.	Do.
S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and S. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	8 9	21	10	Settlement not made within statutory period. Reason, physical disability.	Do.
S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	32	28	12	Settlement not made within statutory period. Reason, ignorance of the law.	Do.
Lots 9 and 10.....	30	33	15	Proof not made within statutory period. Reason, sickness.	Do.
Lots 3 and 4, and S. $\frac{1}{2}$ S. W. $\frac{1}{4}$	3	37	17	Settlement not made within statutory period. Reason, poverty.	Do.
N. E. $\frac{1}{4}$	26	114	42	Settlement not made within statutory period. Reason, inclemency of weather.	Do.
S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	12	11	26	Proof not made within statutory period. Reason, ignorance of the law, &c.	Do.
N. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and W. $\frac{1}{2}$ N. W. $\frac{1}{2}$	34	127	34	do.	Do.
S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	18	125	28	do.	Do.
N. $\frac{1}{2}$ S. W. $\frac{1}{4}$	28	116	38	Settlement not made within statutory period. Reason, sickness and poverty.	Do.
E. $\frac{1}{2}$ N. E. $\frac{1}{4}$	14	116	38	do.	Do.
S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	26	103	34	Proof not made within statutory period. Reason, ignorance.	Do.
N. E. $\frac{1}{4}$	20	108	44	Settlement not made within statutory period. Reason, ignorance of the law.	Do.
S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$	14	15	1	Proof not made within statutory period. Reason, ignorance of the law.	Do.
Lot 1 and lots 3 and 4.....	21 22	18	11	do.	Do.
N. W. $\frac{1}{4}$	30	41	8	do.	Do.
E. $\frac{1}{2}$ S. E. $\frac{1}{4}$	12	17	17	do.	Do.

No. 12.—*Abstract of suspended cases in the public lands*

Number.	Office.	Class of cases.	Rule	R. and R. No.	Names of parties.
207	Detroit, Mich.....	Homestead	19	592	Joseph Dennis.....
208	.....do .....	.....do	24	620	Samuel Nichols.
209	Ironton, Mo.....	Cash.....	11, 19	43101	Lucy B. Crawley
210	Springfield, Mo.....	Homestead	24	3794	Heirs of Jane P. Brownlow, deceased.
211	.....do .....	.....do	24	3790	James K. P. Holland.....
212	.....do .....	.....do	24	3813	Mary Ann Parker, widow of William Parker, deceased.
213	Booneville, Mo.....	.....do		2923	John H. Holloway.....
214	.....do .....	.....do	24	2928	John D. Sinnell.....
215	Gainesville, Fla.....	.....do	24	1409	Andrew Session
216	.....do .....	.....do		1421	Moses Robinson
217	.....do .....	.....do	24	1444	Charles Gorry
218	.....do .....	.....do		1445	Barney Goodwyn
219	Booneville, Mo.....	.....do	24	2255	Minor heirs of William Heavner, deceased.
220	.....do .....	.....do	19	2615	Matilda C. Petterson, widow of Peter Petterson, de- ceased.
221	.....do .....	.....do	24	2975	John B. Ihrig.....
222	.....do .....	.....do	24	2980	John R. Burks
223	Ironton, Mo.....	.....do		27	Solomon Lamons
224	.....do .....	.....do	24	1810	William J. Brunett
225	.....do .....	.....do	19	1827	Delila Roberts, widow, of John Roberts, deceased.
226	Des Moines, Iowa .....	.....do	24	1417	Joseph W. Hartman
227	.....do .....	.....do	24	1483	James C. Hanslip
228	.....do .....	.....do	24	1884	Ann Hanslip
229	Reed City, Mich.....	.....do		3368	Heirs of George Beerman deceased.
230	.....do .....	.....do	24	3439	Cyrus Wise.....
231	.....do .....	.....do	19	3541	William Dennis.
232	.....do .....	.....do	19	3561	Isaac Grant.....
233	.....do .....	.....do	19	3594	Samuel Gard.....
234	.....do .....	.....do	24	3607	Martin L. Drake.....
235	Menaasha, Wis .....	.....do	24	566	Louis Lafaber
236	Stevens Point, Wis.....	.....do	24	*741	Abram Myers
237	.....do .....	.....do	24, 25	*994	Nelson Longdan
238	Detroit, Mich.....	.....do	19	602	Neil McEachin
239	New Ulm, Minn .....	.....do		3226	Heirs of Cortland D. Seeley, deceased.

*Original number.

division of the General Land Office, &c.—Continued.

Parts of section.	Section.	Township.	Range.	Cause of suspension.	Date of confirmation.
S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	34	33	8	Conflict with prior entry, No. 657. Prior entry subsequently canceled.	Jan. 23, 1879.
S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$	17	12	15	Proof not made within statutory period. Reason, ignorance of the law.	Do.
W. $\frac{1}{2}$ lot 2 of N. E. $\frac{1}{4}$	4	22	4	Conflict with homestead No. 476, canceled February 18, 1875. Entry illegal, land not in market.	Do.
S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$	21	34	14	Proof not made within statutory period. Reason, sickness.	Do.
E. $\frac{1}{2}$ S. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$..	17	34	19	Proof not made within statutory period. Reason, ignorance.	Do.
S. $\frac{1}{2}$ S. E. $\frac{1}{4}$	3				
and W. $\frac{1}{2}$ N. E. $\frac{1}{4}$	10	23	22	Proof not made within statutory period. Reason, sickness.	Do.
N. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	21	37	14	Proof not made within statutory period. Reason, failed to file in time, fault of attorney.	Do.
S. W. fl. $\frac{1}{4}$	18	35	25	Proof not made within statutory period. Reason, sickness in family.	Do.
E. $\frac{1}{2}$ S. W. $\frac{1}{4}$	31	2	27	Proof not made within statutory period. Reason, ignorance.	Do.
Lot 3	6	2	28	Proof not made within statutory period. Reason, entry canceled on fraudulent relinquishment, October 19, 1870, reinstated August 13, 1875, entry amended July 14, 1877, to covering improvements.	Do.
N. $\frac{1}{2}$ S. E. $\frac{1}{4}$	36	17	30	Proof not made within statutory period. Reason, ignorance.	Do.
S. $\frac{1}{2}$ N. E. $\frac{1}{4}$	36	17	30	.....do.....	Do.
W. $\frac{1}{2}$ N. E. $\frac{1}{4}$ and W. $\frac{1}{2}$ S. E. $\frac{1}{4}$..	19	37	10	Proof not made in time. Reason, sickness in family.	Mar. 7, 1879
Lot 2 and S. $\frac{1}{2}$ lot 1 of N. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$..	19	37	21	Conflict with prior homestead entry No. 5510; canceled August 31, 1870.	Do.
S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. $\frac{1}{2}$ S. W. $\frac{1}{4}$..	17	39	21	Proof not made in time. Reason, ignorance of the law.	Do.
E. $\frac{1}{2}$ lot 3 of N. E. $\frac{1}{4}$	3	39	13	Proof not made in time. Reason, sickness.	Do.
Lots 2 and 3 of N. E. $\frac{1}{4}$	6	22	7	Special case. See Commissioner's letter of December 21, 1878, submitting case.	Do.
S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$..	10	32	8	Proof not made in time. Reason, ignorance and poverty.	Do.
E. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$..	15	23	9	Conflict with prior cash entry; subsequently canceled to extent of S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ section.	Do.
S. W. $\frac{1}{4}$	22	95	37	Proof not made in time. Reason, sickness	Do.
W. $\frac{1}{2}$ N. W. $\frac{1}{4}$	8	98	41	Proof not made in time. Reason, sickness and poverty.	Do.
E. $\frac{1}{2}$ N. W. $\frac{1}{4}$	8	98	41	.....do.....	Do.
N. $\frac{1}{2}$ S. E. $\frac{1}{4}$	22	9	16	Proof not made in time. Reason, entry canceled August 16, 1875. Heirs had to wait until entry was reinstated, January 1, 1876.	Do.
W. $\frac{1}{2}$ S. E. $\frac{1}{4}$	26	7	16	Proof not made in time. Reason, proof submitted in time, found defective, and new proof ordered.	Do.
N. $\frac{1}{2}$ S. W. $\frac{1}{4}$	36	13	17	Conflict with prior entry, No. 4844; canceled November 18, 1872.	Do.
S. E. $\frac{1}{4}$	4	17	13	Conflict with prior entry, No. 5158; canceled March 27, 1873.	Do.
E. $\frac{1}{2}$ N. E. $\frac{1}{4}$	22	17	12	Conflict with prior entry, No. 4957; canceled February 16, 1874.	Do.
S. $\frac{1}{2}$ S. W. $\frac{1}{4}$	4	17	12	Proof not made in time. Reason, ignorance of the law.	Do.
S. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$..	12	30	20	Proof not made in time. Reason, sickness in family and failure to procure naturalization certificate in time.	Do.
S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	1	21	5	Proof not made in time. Reason, ignorance of the law.	Do.
Lots 6 and 7	31	30	9	Proof and settlement not made in time. Reason, ignorance of the law and sickness in family.	Do.
S. $\frac{1}{2}$ S. E. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$..	6	14	12	Conflict with prior entry, No. 138; canceled October 29, 1876.	Do.
N. E. $\frac{1}{4}$	26	107	41	Proof not made in time. Reason, poverty.	Do.

No. 12.—*Abstract of suspended cases in the public lands*

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
240	Benson, Minn.	Homestead		3699	Dorothea G. Hilden
241	Litchfield, Minn.	do		*4854	Syver Guttormsen
242	Jackson, now Worthington, Minn.	do	25	*7408	Carl J. Paulson
243	Alexandria, now Fergus Falls, Minn.	do	25	*2119	Orsannus S. Kenfield
244	Salina, Kans.	do	27	3750	Mary Beach, abandoned wife of Moses H. Beach.
245	do	do		12650	John Toole
246	Topeka, Kans.	do	25	2114	Ole Jorgenson
247	do	do		*1010	Patrick M. Campbell.
248	do	do	24	*3083	William Bennett.
249	do	do		*3295	William A. Thurston
250	do	do	24	*3316	Jesse Frost
251	do	do		*3371	Harrison Hunter
252	do	do		*3462	Charles M. Wiseman.
253	Cawker City, now Kirwin, Kans.	do		*481	George Vinsonhaler
254	do	do		*661	John F. Wood
255	do	do		*1446	Amanda M. Kemp.
256	Concordia, now Kirwin, Kans.	do		*3424	William Thomas
257	do	do		*4142	Homer Bennett.
258	do	do		*4351	Mary Bleam, widow of Christian Bleam, deceased.
259	do	do		*4863	Mathias S. Kennedy
260	do	do		*5061	Erie B. Ensign
261	do	do		*5062	Alton E. Ensign
262	Concordia, Kans.	do		*5757	James Wolcott.
263	do	do		*5954	Christina Londrie.
264	do	do		*5955	David Lowden
265	do	do		*6243	Esther Miles
266	do	do		*9659	W. F. Reeves.
267	Sioux Falls, Dak.	do		*4876	Erik Iverson
268	Marysville, Cal.	do	19	794	Arthur J. Chittenden.
269	Roseburg, Oreg.	do	24	1028	Edward Grappner
270	do	do	24	1053	Tobias L. Linkswiler
271	Gainesville, Fla.	do	24 & 25	1070	Stephen Drummond
272	do	do	24	1072	George W. Bright.
273	do	do	24	1507	Morris Jackson
274	do	do	24	1508	Adam Turner.
275	do	do	24	1509	Washington Wilson
276	do	do	24	1511	Israel P. Hughes
277	do	do	24	1518	Washington Williams.
278	do	do	24	1520	Polly Caesar
279	do	do	24	1539	Arthur Bundy

* Original number.

division of the General Land Office, &c.—Continued.

Parts of section.	Section.	Township.	Range.	Cause of suspension.	Date of confirmation.
E. $\frac{1}{2}$ N. E. $\frac{1}{2}$	20	118	41	Settlement not made in time. Reason, age, fear, and infirmity.	Mar. 7, 1879.
W. $\frac{1}{2}$ N. W. $\frac{1}{2}$	14	116	38	Settlement not made in time. Reason, destruction of building material by fire.	Do.
S. $\frac{1}{2}$ S. W. $\frac{1}{2}$	32	103	40	Settlement not made in time. Reason, sickness in family.	Do.
N. W. $\frac{1}{4}$	14	136	45	Settlement not made in time. Reason, physical disability.	Do.
S. E. $\frac{1}{4}$	24	17	7	An abandoned wife makes proof on her husband's entry.	Do.
N. $\frac{1}{2}$ S. E. $\frac{1}{4}$	2	12	9	Special case. Declaration of intention made the day following his entry.	Do.
E. $\frac{1}{2}$ S. E. $\frac{1}{4}$	6	14	9	Settlement not made in time. Reason, physical disability and poverty.	Do.
Lot 2 and S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	8	19	8	Proof not made in time. Reason, physical disability and poverty.	Do.
S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	4	12	10	Proof not made in time in time. Reason, ignorance of the law and sickness in family.	Do.
N. E. $\frac{1}{2}$ N. W. $\frac{1}{4}$	10	4	9	Proof not made in time. Reason, physical disability.	Do.
W. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and W. $\frac{1}{2}$ N. W. $\frac{1}{4}$	18	2	10	Proof not made in time. Reason, sickness in family and poverty.	Do.
E. $\frac{1}{2}$ S. E. $\frac{1}{4}$	12	13	10	Proof not made in time. Reason, sickness of register and receiver. Party appeared in season, and proof could not be received.	Do.
N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	10	11	9	Proof and settlement not made in time. Reason, poverty.	Do.
N. W. $\frac{1}{4}$	26	3	12	Settlement not made in time. Reason, sickness in family.	Do.
E. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and W. $\frac{1}{2}$ S. E. $\frac{1}{4}$..	19	4	13	Residence not continuous. Reason, sickness.	Do.
W. $\frac{1}{2}$ S. E. $\frac{1}{4}$	10				
and W. $\frac{1}{2}$ N. E. $\frac{1}{4}$	15	1	9	Residence not continuous. Reason, sickness of self and husband.	Do.
N. E. $\frac{1}{4}$	34	10	13	Proof not made in time. Reason, ignorance	Do.
N. W. $\frac{1}{4}$	22	6	11	Settlement not made in time. Reason, sickness.	Do.
S. W. $\frac{1}{4}$	28	7	13	Settlement not made in time. Reason, severity of weather.	Do.
N. E. $\frac{1}{4}$	14	4	7	Settlement not made in time and residence not continuous. Reason, sickness and destruction of crops by grasshoppers.	Do.
S. E. $\frac{1}{4}$	23	1	9	Settlement not made in time. Reason, severity of weather.	Do.
S. W. $\frac{1}{4}$	24	1	9	do	Do.
N. W. $\frac{1}{4}$	7	2	2	Proof not made in time. Reason, mistake as to date of entry.	Do.
N. W. $\frac{1}{4}$	29	7	8	Settlement not made in time. Reason, poverty.	Do.
S. W. $\frac{1}{4}$	20	7	8	do	Do.
N. E. $\frac{1}{4}$	33	6	3	Residence not continuous. Reason, sickness.	Do.
N. E. $\frac{1}{4}$	28	8	2	Residence not continuous. Reason, sickness and poverty.	Do.
S. W. $\frac{1}{4}$	7	103	47	Settlement not made in time. Reason, sickness in family.	Do.
S. $\frac{1}{2}$ S. E. $\frac{1}{4}$	20	24	3	Conflict with prior homestead entry No. 1256. Canceled October 4, 1873.	Do.
W. $\frac{1}{2}$ S. E. $\frac{1}{4}$ and N. $\frac{1}{2}$ S. W. $\frac{1}{4}$..	28	38	2	Proof not made in time. Reason, ignorance.	Do.
S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$, fl. S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$, fl. S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$, fl. S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$..	10				
and S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	11	36	1	Proof not made in time. Reason, ignorance of the law and sickness.	Do.
Lot 1	14	2	28	do	April 7, 1879.
W. $\frac{1}{2}$ N. W. $\frac{1}{4}$	24				
and E. $\frac{1}{2}$ N. E. $\frac{1}{4}$	23	12	27	Proof not made in time. Reason, ignorance of the law.	Do.
E. $\frac{1}{2}$ S. W. $\frac{1}{4}$	6	3	27	do	Do.
W. $\frac{1}{2}$ S. E. $\frac{1}{4}$	11	13	21	do	Do.
N. E. $\frac{1}{2}$ N. E. $\frac{1}{4}$	18	11	18	do	Do.
Lots 3 and 6	11	8	29	Proof not made in time. Reason, sickness.	Do.
E. $\frac{1}{2}$ S. E. $\frac{1}{4}$	32	14	22	Proof not made in time. Reason, ignorance.	Do.
N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	20	19	18	do	Do.
N. $\frac{1}{2}$ N. W. $\frac{1}{4}$	32	8	24	do	Do.

No. 12.—Abstract of suspended cases in the public lands

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
280	Gainesville, Fla.	Homestead	24	1544	Arad Sheldon
281	.....do .....	.....do	24	1556	E. B. Bush
282	.....do .....	.....do	24	1557	Sallie E. Caruthers, widow of Elbert W. Caruthers, deceased.
283	.....do .....	.....do	24	1562	Wade H. Redding
284	Eau Claire, Wis. ....	.....do	25	*2805	Andrew M. Tinker
285	Falls Saint Croix, Wis. ....	.....do	25	1993	Israel Bjorkman
286	.....do .....	.....do		1824	O. Andrew Petterson, heirs of Ole Petterson, dec'd.
287	Redwood Falls, Minn. ....	.....do		1197	Andrew J. Sandshoen
288	New Ulm, Minn. ....	.....do	24	3364	Nicholas Laux
289	Jackson, now Worthington, Minn. ....	.....do		*8117	Caspar Tanbert
290	.....do .....	.....do		*8599	Toor Anderson
291	.....do .....	.....do		2458	Samuel Green
292	Litchfield, now Benson, Minn. ....	.....do		*4997	John Anderson
293	.....do .....	.....do		*5042	Arnt Pederson
294	.....do .....	.....do		*5104	Herman Erickson
295	.....do .....	.....do	25	5501	Christ. H. Norlie
296	.....do .....	.....do		*5551	John A. Carlson
297	.....do .....	.....do		*5588	Johannes Johanneson
298	Saint Cloud, now Benson, Minn. ....	.....do		*7202	Gunder Nelson
299	.....do .....	.....do	25	*7427	Henry Kost-koota
300	Salina, Kans. ....	.....do	27	*12867	Laura P. Canady, wife of Robert Canady.
301	.....do .....	.....do	25	*14287	Jacob Schlatter
302	Yankton, Dak. ....	.....do	24	465	Patrick Keely
303	Boise City, Idaho .....	.....do	24	143	Alexander Allison
304	Eau Claire, Wis. ....	.....do	24	2048	Annie E. Anderson
305	.....do .....	.....do		1844	William Vassner
306	.....do .....	.....do		2659	Gilbert Saxton
307	.....do .....	.....do	25	2374	Amos J. Jameson
308	.....do .....	.....do	24	1888	John S. Filler
309	.....do .....	.....do		2162	Bern Bredeson
310	.....do .....	.....do		2279	George F. George
311	.....do .....	.....do	25	2152	Ralph D. Brown
312	Stevens Point, Wis. ....	.....do		1134	Naaman Hodge
313	.....do .....	.....do	24	763	Ole Cannteson

* App. number.

division of the General Land Office, &c.—Continued.

Parts of section.	Section.	Township.	Range.	Cause of suspension.	Date of confirmation.
S.E. $\frac{1}{4}$ S.W. $\frac{1}{4}$ and S.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$ and N.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ and N.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$	5	8	19 35	Proof not made in time. Reason, sickness.	April 7, 1879.
E. $\frac{1}{4}$ S.W. $\frac{1}{4}$ and S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ W. $\frac{1}{4}$ S.W. $\frac{1}{4}$	4	2	7	do	Do.
W. $\frac{1}{4}$ S.W. $\frac{1}{4}$	13	20	22	do	Do.
S.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$	36	2	12	do	Do.
N.E. $\frac{1}{4}$	22	25	8	Settlement not made in time. Reason, sickness and death of wife.	Do.
Lot 1	3	37	17		
and S. $\frac{1}{4}$ S.W. $\frac{1}{4}$	34				
and S.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$	33	38	17	Settlement not made in time. Reason, sickness and poverty.	Do.
W. $\frac{1}{4}$ S.W. $\frac{1}{4}$	34	37	18	Residence not continuous. Reason, insanity of party, &c. Special case.	Do.
E. $\frac{1}{4}$ S.E. $\frac{1}{4}$	24	115	37	Settlement not made in time. Reason, cold weather and poverty.	Do.
S.E. $\frac{1}{4}$	22	108	33	Proof not made in time. Reason, ignorance of the law.	Do.
N.W. $\frac{1}{4}$	4	101	46	Settlement not made in time. Reason, poverty.	Do.
N.W. $\frac{1}{4}$	32	102	42	Settlement not made in time. Reason, ignorance of the law.	Do.
S.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ and W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ and S.E. $\frac{1}{4}$ S.W. $\frac{1}{4}$	10	105	26	Settlement not made in time. Reason, poverty.	Do.
S. $\frac{1}{4}$ S.W. $\frac{1}{4}$	26	119	42	Settlement not made in time. Reason, sickness in family.	Do.
N. $\frac{1}{4}$ S.W. $\frac{1}{4}$	32	119	41	Settlement not made in time. Reason, single man.	Do.
S. $\frac{1}{4}$ N.W. $\frac{1}{4}$	26	119	42	Settlement not made in time. Reason, poverty.	Do.
E. $\frac{1}{4}$ S.W. $\frac{1}{4}$	8	118	40	Settlement not made in time. Reason, sickness.	Do.
S.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ and lots 2, 3, and 4.	32	122	46	Settlement not made in time. Reason, poverty.	Do.
W. $\frac{1}{4}$ S.E. $\frac{1}{4}$	24	119	36	Settlement not made in time. Reason, inclemency of weather and unable to get assistance.	Do.
W. $\frac{1}{4}$ S.W. $\frac{1}{4}$	18	123	39	Settlement not made in time. Reason, poverty.	Do.
N. $\frac{1}{4}$ S.W. $\frac{1}{4}$ and lots 1 and 2.	26	124	46	Settlement not made in time. Reason, physical disability.	Do.
E. $\frac{1}{4}$ S.E. $\frac{1}{4}$	12	16	7	An abandoned wife makes proof on her husband's entry.	Do.
S.W. $\frac{1}{4}$	26	30	5	Settlement not made in time. Reason, sickness.	Do.
S.E. $\frac{1}{4}$	11	94	53	Proof not made in time. Reason, sickness in family.	Do.
W. $\frac{1}{4}$ S.E. $\frac{1}{4}$ and E. $\frac{1}{4}$ S.W. $\frac{1}{4}$	1	14	3	Proof not made in time. Reason, old age and hostile Indians.	Do.
S.E. $\frac{1}{4}$	20	25	84	Residence not continuous. (See Commissioner's letter of February 13, 1878, allowing the party to submit proof with a view of sending the case to the board of adjudication. Copy herewith.)	Do.
S.E. $\frac{1}{4}$ S.W. $\frac{1}{4}$ and S. $\frac{1}{4}$ S.E. $\frac{1}{4}$ and N.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$	35	33	7w	Final proof not made in time. Reason, inability to procure citizenship papers.	Do.
N.E. $\frac{1}{4}$	22	30	10w	Residence not made in time. Reason, great distance from the land.	Do.
S. $\frac{1}{4}$ N.E. $\frac{1}{4}$ and N. $\frac{1}{4}$ S.E. $\frac{1}{4}$	18	34	10w	Residence not made in time. Reason, sickness.	Do.
N. $\frac{1}{4}$ N.W. $\frac{1}{4}$ and N. $\frac{1}{4}$ N.E. $\frac{1}{4}$	23	32	11	Proof not made in time. Reason, sickness.	Do.
N.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ and W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ and N.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$	5	6	31 10	Residence not made in time. Reason, inability to complete his house.	Do.
S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ and S.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ and W. $\frac{1}{4}$ N.W. $\frac{1}{4}$	4	9	32 11	Residence not made in time. Reason, great distance.	Do.
E. $\frac{1}{4}$ S.E. $\frac{1}{4}$ and W. $\frac{1}{4}$ S.W. $\frac{1}{4}$	20	21	32 11	Residence not made in time. Reason, sickness.	Do.
S.E. $\frac{1}{4}$	28	29	2	Residence not made in time. Reason, no means of conveyance for his family.	Do.
S.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$	4	22	11	Proof not made in time. Reason, ignorance of the law.	Do.

No. 12.—*Abstract of suspended cases in the public lands*

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
314	Wausau, Wis	Homestead	25	1244	Robert E. Wasson
315	.....do .....	.....do	25	1302	Proof by Sarah J., widow of John Mahony.
316	Falls Saint Croix, Wis .....	.....do .....	.....	1981	Charley Monson
317	La Crosse, Wis .....	.....do	24	5413	Johorm Mallmarm
318	Larned, Kans .....	.....do	• 25	310	Jacob T. Spring
319	.....do .....	.....do	25	13319	Abraham Turner
320	Wichita, Kans .....	.....do	25	2587	John H. Rinecker
321	Topeko, Kans .....	.....do .....	.....	2321	Otto Kastner
322	Lincoln, Kans .....	.....do .....	.....	8384	Proof by the heirs of Fran- cis M. Frost.
323	Vermillion, Dak .....	.....do .....	.....	3243	George P. Lake
324	Sioux Falls, Dak .....	.....do	25	4186	Martin A. Newgard
325	Sioux City, now Des Moines, Iowa .....	.....do .....	.....	1593	William Weal
326	Iona, Mich .....	.....do	24	3101	Robert Jefferson
327	Reed City, Mich .....	.....do	19	3431	James McCumber
328	Salt Lake City, Utah .....	.....do	24	1030	Thomas Winn
329	.....do .....	.....do	24	1031	Anders Hanson
330	Boonville, Mo .....	.....do .....	.....	2559	James Leonard
331	.....do .....	.....do .....	.....	2882	William H. Dykes
332	.....do .....	.....do	24	2907	Hugh McCabe
333	.....do .....	.....do .....	.....	6432	George M. Dougherty
334	.....do .....	.....do	24	2930	Mary Ann Bandy
335	.....do .....	.....do	24	2954	Samuel Wheeler
336	.....do .....	.....do	24	2955	John Peach
337	.....do .....	.....do	24	2967	William O. Evans
338	.....do .....	.....do .....	.....	3034	Francis M. Duncan
339	.....do .....	.....do	19	3019	James McKenzie
340	.....do .....	.....do .....	.....	8825	William C. Smith
341	Montgomery, Ala .....	.....do	24	917	Ellis Harden
342	.....do .....	.....do	24	999	Adolphus Bonner
343	.....do .....	.....do	24	1010	Andrew J. Young
344	San Francisco, Cal	Cash	11	6627	Archibald A. Ritchie
345	Larned, Kans	Homestead .....	.....	14945	J. L. Forney
346	Kirwin, Kans .....	.....do .....	.....	189	Samuel H. Collins
347	Concordia, Kans .....	.....do .....	.....	6654	Enos P. Miles

division of the General Land Office, &c.—Continued.

Parts of section.	Section	Township.	Range.	Cause of suspension.	Date of confirmation.
S. $\frac{1}{2}$ N. W. $\frac{1}{2}$ and S. W. $\frac{1}{2}$ N. E. $\frac{1}{2}$ and N. E. $\frac{1}{2}$ S. W. $\frac{1}{2}$.	14	25	4	Residence not made in time. Reason, sickness.	Apr. 7, 1879.
S. $\frac{1}{2}$ N. E. $\frac{1}{2}$	26	28	2	do	Do.
N. W. fl. $\frac{1}{2}$	7	38	18	Residence not made in time. Reason, inability to procure lumber to build his house.	May 8, 1879.
N. E. $\frac{1}{2}$ N. E. $\frac{1}{2}$	6	21n	12w	Proof not made in time. Reason, ignorance of the law.	Do.
N. E. $\frac{1}{2}$	32	17s	11w	Residence not made in time. Reason, sickness.	Do.
S. W. $\frac{1}{2}$	32	18	13	do	Do.
S. $\frac{1}{2}$ N. W. fl. $\frac{1}{2}$	2	22	2w	do	Do.
E. $\frac{1}{2}$ S. W. $\frac{1}{2}$	10	8	9	Residence not made in time. Reason, poverty.	Do.
N. E. $\frac{1}{2}$	8	8	5	Proof not made in time. Reason, ignorance.	Do.
S. E. $\frac{1}{2}$	32	94	49	Settlement and proof not made in time. Reason, no blanks and impassable roads.	Do.
S. W. $\frac{1}{2}$	13	96	50	Residence not made in time. Reason, sickness.	Do.
W. $\frac{1}{2}$ S. W. $\frac{1}{2}$	32	95	39	Proof not made in time. Reason, misled by error in date of his duplicate.	Do.
W. fl. $\frac{1}{2}$ S. W. fl. $\frac{1}{2}$	6	20	8	Proof not made in time. Reason, sickness.	Do.
W. $\frac{1}{2}$ N. E. $\frac{1}{2}$	26	17n	15w	Conflict with prior Hd. entry No. 3940. Prior entry canceled November 18, 1872.	Do.
S. $\frac{1}{2}$ N. W. $\frac{1}{2}$ and lots 3 and 4..	2	35	10	Proof not made in time. Reason, ignorance of the law.	Do.
Lots 1, 2, and 3	5	7s	1e	do	Do.
W. $\frac{1}{2}$ S. E. $\frac{1}{2}$	1	38	21	An adjoining farm entry. Proof not made in time. Reason, the party having lived in his house about ten feet over the line, on his homestead tract, in error. He should have lived on his adjoining farm. Citizenship papers not secured in time to complete his proof within statutory period. Ignorance of the law.	Do.
S. W. $\frac{1}{2}$ S. E. $\frac{1}{2}$	5				
and N. W. $\frac{1}{2}$ N. E. $\frac{1}{2}$ and N. E. $\frac{1}{2}$ N. W. $\frac{1}{2}$.	8	36	19	Proof not completed in time. Reason, his proper proof, which would have been completed in time, was mislaid in error.	Do.
S. W. $\frac{1}{2}$	5	35	22	Proof not made in time. Reason, sickness.	Do.
E. $\frac{1}{2}$ N. W. $\frac{1}{2}$	11	39	25	Proof not made in time. Reason, alleges that his agent failed to forward proof which he made within the statutory period.	Do.
N. E. $\frac{1}{2}$ S. W. fl. $\frac{1}{2}$	20	42	2w	Proof not made in time. Reason, ignorance of the law.	Do.
N. $\frac{1}{2}$ N. W. $\frac{1}{2}$	21	36	19	Proof not made in time. Reason, ignorance of the law and loss of duplicate receipt.	Do.
Lot 2 of N. E. $\frac{1}{2}$	2	37	20	Proof not made in time. Reason, poverty..	Do.
N. $\frac{1}{2}$ S. E. $\frac{1}{2}$	12	37	21		
and W. $\frac{1}{2}$ lot 2 of S. W. $\frac{1}{2}$ and S. $\frac{1}{2}$ lot 2 of N. W. $\frac{1}{2}$.	7	37	20	Proof not made in time. Reason, ignorance and fault of agent.	Do.
S. $\frac{1}{2}$ N. E. $\frac{1}{2}$	22				
and W. $\frac{1}{2}$ N. W. $\frac{1}{2}$	23	38	13	Proof made, but not completed in time because of a defect therein.	Do.
W. $\frac{1}{2}$ S. W. $\frac{1}{2}$	9	38	4	Conflict with prior homestead entry No. 4246, canceled March 9, 1875.	Do.
E. $\frac{1}{2}$ S. E. $\frac{1}{2}$ and S. E. $\frac{1}{2}$ S. W. $\frac{1}{2}$..	21	40	22	An adjoining farm entry; failed to reside on the farm through ignorance. (See Commissioner's letter, 26 November last, copy herewith, allowing proof made, and to be submitted to board of adjudication.)	Do.
E. $\frac{1}{2}$ N. W. $\frac{1}{2}$	25	19	21	Proof not made in time. Reason, ignorance..	Do.
N. W. $\frac{1}{2}$ S. W. $\frac{1}{2}$ and S. W. $\frac{1}{2}$ N. W. $\frac{1}{2}$.	2	18	5	do	Do.
W. $\frac{1}{2}$ S. W. $\frac{1}{2}$ and S. W. $\frac{1}{2}$ N. W. $\frac{1}{2}$.	35	19	9	do	Do.
Lot 4	2	12n	7w	Unoffered land; register supposed the land had been offered.	Do.
N. W. $\frac{1}{2}$	32	19	7w	Settlement not continuous. (See Commissioner's decision, approved by the honorable Secretary, herewith.)	May 15, 1879.
S. E. $\frac{1}{2}$	29	5s	12	Settlement not continuous. Reason, house destroyed by prairie fire.	Do.
N. E. $\frac{1}{2}$	28	6s	3e	Party changes his residence, by voting in another county. (See the decisions of the Commissioner and Secretary herewith.)	Do.

No. 12.—Abstract of suspended cases in the public lands

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
348	Concordia, Kans	Homestead	25	8627	G. Gabreelson
349	do	do		6240	Andrew Sweet
350	do	do		8348	Elias Lundberg
351	do	do		7103	George C. Bowker
352	do	do		7262	A. M. Hill, formerly A. M. Baldwin.
353	do	do	24	6298	Benjamin Walton
354	do	do	24	6367	Hans A. Broadstad
355	do	do	24	5876	John Tangemann
356	do	do	24	1	John Henton
357	Salina, Kans	do	24	11416	Ebenezer B. Bishop
358	do	do	24	12029	Simeon L. Minson
359	Topeka, Kans	do	27	2286	Minerva Clow (an abandoned wife).
360	do	do		2201	George W. Duncan
361	Harrison, Ark	do	27	2702	Julia A. Brown
362	Vernillion, Dak	do	24	2641	Peter Bratt
363	Olympia, Wash	do	24	1503	Henry Myers
364	Oregon City, Oreg	do		1064	Archibald Fairbairn
365	do	do		1055	John W. Kirk
366	Des Moines, Iowa	do		1644	Henry Lutterman
367	Detroit, Mich	do	19	302	John Redman
368	Reed City, Mich	do	19	3682	Wellington Knapp
369	Lewiston, Idaho	do	24	71	John M. Crooks
370	Denver, Colo	do	24	1000	Elizabeth Rorden
371	Springfield, Mo	do		3848	Samuel Murdock
372	do	do	24	3865	Israel G. Smith
373	do	do	24	3884	William M. Buck
374	do	do	24	3839	William Meacham
375	Boonville, Mo	do		3039	Martha Rowsey, formerly Martha Clinkingbeard.
376	do	do		3059	Margaret Fillingbarger, widow of Brice Fillingbarger, deceased.
377	do	do		3041	Elizabeth Wilson, widow of William Wilson, deceased.
378	Springfield, Mo	do	25	3849	Jackson Denton
379	Springfield, Mo	do	27	3870	Martha A. Saddler
380	do	do	19	3023	Wesley Middleton
381	Montgomery, Ala	do	24	1325	Stephen A. Bradley
382	do	do	24	1165	Jeremiah Warnick
383	do	do	24	1163	Samuel Cowart
384	do	do	24	1162	Joshua Tyler
385	do	do	24	1161	Simon Thomas
386	do	do	24	1159	Samuel S. Gray
387	do	do	24	1158	Crayton A. Neely
388	Fergus Falls, Minn	do		1417	Rosenna Bristle, administratrix of the estate of Joseph Specht.
389	do	do		1777	William H. Morrow
390	New Ulm, Minn	do	24	3480	John W. Kolbe
391	Benson, Minn	do		5313	Ole O. Belsem

division of the General Land Office, &c.—Continued.

Parts of section.	Section.	Township.	Range.	Cause of suspension.	Date of confirmation.
N. E. $\frac{1}{4}$	10	4s	5w	Residence not established within the statutory period. Reason, sickness.	May 15, 1879.
N. $\frac{1}{2}$ S. E. $\frac{1}{4}$ and E. $\frac{1}{2}$ S. W. $\frac{1}{4}$..	4	9s	7e	Residence not established within the statutory period. Reason, failed to complete house.	Do.
E. $\frac{1}{2}$ S. W. $\frac{1}{4}$	10	6s	6e	do	Do.
S. $\frac{1}{2}$ S. E. $\frac{1}{4}$	14	23			
and N. $\frac{1}{2}$ N. E. $\frac{1}{4}$	38	6s	7w	Residence not established within the statutory period. Reason, ignorance.	Do.
S. $\frac{1}{2}$ N. E. $\frac{1}{4}$ and N. $\frac{1}{2}$ S. E. $\frac{1}{4}$..	32	10s	5w	Residence not established within the statutory period. Reason, poverty.	Do.
S. E. $\frac{1}{4}$	3	6s	4e	Proof not made in time. Reason, sickness.	Do.
N. $\frac{1}{2}$ S. E. $\frac{1}{4}$	24	3s	6e	Proof not made in time. Reason, ignorance.	Do.
N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	4	3s	8e	Proof not made in time. Reason, sickness.	Do.
N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	10	9s	7e	Proof not made in time. Reason, delay in procuring a change of entry.	Do.
N. E. $\frac{1}{4}$	33	11s	7w	Proof not made in time. Reason, sickness.	Do.
S. E. $\frac{1}{4}$	30	11s	1w	Proof not made in time. Reason, ignorance.	Do.
W. $\frac{1}{2}$ S. E. $\frac{1}{4}$	14	8	9	An abandoned wife makes proof	Do.
W. $\frac{1}{2}$ S. E. $\frac{1}{4}$	18	8	9	Residence not continuous. Reason, sickness.	Do.
N. W. $\frac{1}{4}$	36	16n	18w	An abandoned wife makes proof	Do.
S. W. $\frac{1}{4}$	5	93	50	Proof not made in time. Reason, mistake as to date of entry.	Do.
W. $\frac{1}{2}$ N. W. $\frac{1}{4}$ W. $\frac{1}{2}$ S. W. $\frac{1}{4}$..	12	30n	4w	Proof not made in time. Reason, sickness.	Do.
Lots 3 and 4 and N. $\frac{1}{2}$ S. W. $\frac{1}{4}$..	7	1s	9w	Proof not made in time. Reason, loss of naturalization papers.	Do.
N. $\frac{1}{2}$ S. E. $\frac{1}{4}$	14	13s	1w	Residence not made in time. Reason, failed to complete his house.	Do.
N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	34	88	25	Satisfactory proof not made in time. Reason, failure to procure certificate of citizenship.	Do.
N. W. $\frac{1}{4}$	22	16n	14e	Conflict with prior entry, No. 294. Prior entry canceled December 8, 1867.	Do.
S. $\frac{1}{2}$ S. W. $\frac{1}{4}$	22	19n	11w	Conflict with prior entry, No. 5417. Prior entry canceled November 18, 1872.	Do.
E. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$..	20	30n	3e	Proof not made in time. Reason, ignorance.	Do.
W. $\frac{1}{2}$ S. E. $\frac{1}{4}$	14	3s	66w	Proof not made in time. Reason, failure to procure citizenship papers in time.	Do.
S. $\frac{1}{2}$ N. E. $\frac{1}{4}$ and W. $\frac{1}{2}$ S. E. $\frac{1}{4}$..	14	34	19	Proof not made in time. Reason, poverty.	Do.
N. $\frac{1}{2}$ lot 1 of S. W. $\frac{1}{4}$ and W. $\frac{1}{2}$ S. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$..	6	28	14	Proof not made in time. Reason, sickness.	Do.
S. $\frac{1}{2}$ N. E. $\frac{1}{4}$	17	23	20	Proof not made in time. Reason, ignorance.	Do.
N. $\frac{1}{2}$ S. E. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$..	11	29	12	Proof not made in time. Reason, sickness.	Do.
and S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$..					
S. $\frac{1}{2}$ N. W. $\frac{1}{4}$	11	39	4w	Proof not made in time. Reason, poverty.	Do.
W. $\frac{1}{2}$ S. E. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$..	2	37	20	Proof not made in time. Reason, default of agent.	Do.
and E. $\frac{1}{2}$ of lot 1 of N. W. $\frac{1}{4}$..					
W. $\frac{1}{2}$ lot 2 of N. W. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$..	2	36	14	Proof not made in time. Reason, defective proof made in time.	Do.
S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$..	29				
and N. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. W. $\frac{1}{2}$ N. E. $\frac{1}{4}$..	32	30	11	Settlement not made in time. Reason, severity of weather.	Do.
Lot 5 of N. E. $\frac{1}{4}$	5	34	16	Proof made by an abandoned wife	Do.
N. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$..	3	24	19	Conflict with homestead entry No. 305, which was canceled July 20, 1875.	Do.
and W. $\frac{1}{2}$ of lot 1 of N. E. $\frac{1}{4}$..					
S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	12	13s	8e	Proof not made in time. Reason, sickness.	Do.
S. $\frac{1}{2}$ S. W. $\frac{1}{4}$	2	18s	5e	Proof not made in time. Reason, ignorance.	Do.
N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	32	9n	20e	do	Do.
S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	10	9n	28e	Proof not made in time. Reason, loss of money order.	Do.
N. W. $\frac{1}{2}$ S. W. $\frac{1}{4}$	24	6n	11e	Proof not made in time. Reason, ignorance.	Do.
N. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$	5	19n	23e	do	Do.
N. W. $\frac{1}{2}$ S. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$..	22				
and S. $\frac{1}{2}$ N. W. $\frac{1}{4}$..	23	15s	12e	do	Do.
N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and lot 3	20	135	43	Proof not made in time. Reason, not in possession of certificate of citizenship in time.	Do.
E. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and W. $\frac{1}{2}$ S. E. $\frac{1}{4}$..	24	126	38	do	Do.
S. W. $\frac{1}{4}$	4	109	33	Proof not made in time. Reason, mistaken in date of entry.	Do.
W. $\frac{1}{2}$ N. W. $\frac{1}{4}$	10	116	38	Settlement not made in time. Reason, severity of the weather.	Do.

No. 12.—*Abstract of suspended cases in the public lands*

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
392	Benson, Minn.....	Homestead.....	.....	5597	John Kittilsen.....
393	Montgomery, Ala.....	do.....	27	1470	Nelly P. Thomas.....
394	Montgomery, Ala.....	do.....	24	1385	Oterey Campbell, widow of Madison Campbell, de- ceased.
395	do.....	do.....	24	1418	George Sutton.....
396	do.....	do.....	24	817	Green W. Chandler.....
397	do.....	do.....	24	1169	Samuel Rawls.....
398	do.....	do.....	24	1170	Anderson Bigum.....
399	do.....	do.....	24	1171	Ned Jackson.....
400	do.....	do.....	24	1393	Thomas Beckworth.....
401	do.....	do.....	24	1394	Thomas Baker.....
402	do.....	do.....	24	1395	Calvin Whitehead.....
403	do.....	do.....	24	1405	Manerva Harris.....
404	do.....	do.....	21	1451	John E. Giece.....
405	do.....	do.....	24	1382	Thomas Allsop.....
406	do.....	do.....	24	1438	Richard F. Hammons.....
407	do.....	do.....	24	1433	Joel Dennis.....
408	do.....	do.....	24	1420	Thomas S. Usery.....
409	do.....	do.....	24	1409	William F. Smith.....
410	Saint Cloud, Minn.....	do.....	24	6239	Shaw Vash King.....
411	do.....	do.....	24	7195	Nicholas Lasoth.....
412	Benson, Mich.....	do.....	25	5164	Ole Pederson.....
413	do.....	do.....	25	5222	Jan Ther.....
414	do.....	do.....	27	6014	Matilda, wife of Nels John- son.
415	Worthington, Minn.....	do.....	24	7335	Afred Terry.....
416	New Ulm, Minn.....	do.....	24	2690	Heirs of John Bettler.....
417	Independence, Kans.....	do.....	24	1500	Amos Rich.....
418	Topeka, Kans.....	do.....	24	3348	Stephen Wathum.....
419	Concordia, Kans.....	do.....	25	7968	James R. Hogg.....
420	Kinvin, Kans.....	do.....	25	6725	Benjamin Myers.....
421	Concordia, Kans.....	do.....	25	9040	John O. Rourke.....
422	Ironton, Mo.....	do.....	24	1875	John Ellington.....
423	do.....	do.....	24	1515	Joshua Bullock.....
424	do.....	do.....	.....	1901	Amanda M., widow of J. M. Wilson, deceased.
425	do.....	do.....	25	1905	Clayton Miller.....
426	Springfield, Mo.....	do.....	.....	3398	S. B. F. C. Barr.....
427	Wausau, Wis.....	do.....	24	1057	C. B. Fontain.....
428	Falls Saint Croix, Wis.....	do.....	.....	2656	William J. Gordan.....
429	Wausau, Wis.....	do.....	.....	1137	Nelson Hull.....
430	Susanville, Cal.....	do.....	24	848	Abram D. Church.....
431	Walla-Walla, Wash.....	do.....	25	393	Daniel Wigle.....
432	Boise City, Idaho.....	do.....	25	174	Charles H. Hull.....
433	La Messilla, N. Mex.....	do.....	24	27	John Brockman.....
434	Des Moines, Iowa.....	do.....	24	1758	Peter Fulmer.....
435	do.....	do.....	24	1506	Miles McClafin.....
436	do.....	do.....	.....	1750	Philip Hales.....
437	do.....	do.....	19	1677	Frank Peterson.....

division of the General Land Office, &c.—Continued.

Parts of section.	Section.	Township.	Range.	Cause of suspension.	Date of confirmation.
S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$	14	119	42	Settlement not made in time. Reason, poverty and bad roads.	May 15, 1879.
S. E. $\frac{1}{4}$					
N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	2	9	19	An abandoned wife makes proof.	May 16, 1879.
N. $\frac{1}{4}$ S. $\frac{1}{4}$	14	22	12	Proof not made in time. Reason, sickness.	Do.
N. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	28	14	11	Proof not made in time. Reason, poverty.	Do.
S. $\frac{1}{4}$ S. W. $\frac{1}{4}$	36	3			
and N. $\frac{1}{4}$ N. W. $\frac{1}{4}$	1	2	28	Proof not made in time. Reason, ignorance.	Do.
W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	2	9	28	do	Do.
E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	2	9	28	do	Do.
S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	22	10	28	do	Do.
S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$	33	5	27	do	Do.
N. E. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$					
and N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$					
S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$	4	5	27	do	Do.
N. W. $\frac{1}{4}$ and E. $\frac{1}{4}$ S. W. $\frac{1}{4}$					
W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	33				
and N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	32	5	27	do	Do.
N. $\frac{1}{4}$ N. W. $\frac{1}{4}$	28	13	9	do	Do.
N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	20	9	29	do	Do.
Fraction No. 1	36	12	9	do	Do.
S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$	14	7	11	do	Do.
N. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	8	20	16	do	Do.
S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	31	20	13	do	Do.
S. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. $\frac{1}{4}$ S. W. $\frac{1}{4}$	14	20	12	do	Do.
S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and Lot 5	27				
and S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and lot 1.	28	43	27	do	Do.
E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	24	123	38	do	Do.
N. $\frac{1}{4}$ N. E. $\frac{1}{4}$	34	123	38	Settlement not made in time. Reason, sickness.	Do.
S. $\frac{1}{4}$ N. W. $\frac{1}{4}$	12	116	38	do	Do.
N. $\frac{1}{4}$ N. W. $\frac{1}{4}$	6	119	33	An abandoned wife makes proof.	Do.
N. $\frac{1}{4}$ N. W. $\frac{1}{4}$	8	104	40	Proof not made in time. Reason, ignorance.	Do.
S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. $\frac{1}{4}$ S. W. $\frac{1}{4}$	25	110	12	do	Do.
S. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	9	24	11	Proof not made in time. Reason, poverty.	Do.
N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	26	13	13	Proof not made in time. Reason, ignorance.	Do.
S. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. $\frac{1}{4}$ S. W. $\frac{1}{4}$	24	8	3	Residence not made in time. Reason, sickness and poverty.	Do.
W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	14				
and E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	15	3	14	do	Do.
W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	17	4	1	Residence not continuous. Reason, sickness.	Do.
S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	7	28	2	Proof not made in time. Reason, ignorance.	Do.
S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	34	25	5	do	Do.
S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	27				
and S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	28	29	7	Proof not made in time. Reason, poverty.	Do.
W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	29				
and N. $\frac{1}{4}$ N. E. $\frac{1}{4}$	30	29	8	Settlement not made in time. Reason, sickness.	Do.
S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. W. $\frac{1}{4}$	9	33	15	See the within decision.	Do.
S. W. $\frac{1}{4}$					
S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	10	24	6	Proof not made in time. Reason, ignorance.	Do.
E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	30	25	12	Proof not made in time. Reason, failed to procure his citizenship papers in time.	Do.
N. W. $\frac{1}{4}$	34	29	2	Residence not made in time. Reason, no means of transportation.	Do.
E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	4	20	14	Proof not made in time. Reason, ignorance.	Do.
N. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. W. $\frac{1}{4}$	23				
N. E. $\frac{1}{4}$					
and W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	14	17	19	Settlement not made in time. Reason, sickness.	Do.
S. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and N. $\frac{1}{4}$ S. E. $\frac{1}{4}$	5	10	5	Settlement not continuous. Reason, house burned; could not rebuild at once on account of hostile Indians and floods; cultivation continuous.	Do.
W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	14	19	10	Proof not made in time. Reason, prevented by hostile Indians.	Do.
S. $\frac{1}{4}$ S. E. $\frac{1}{4}$	4	98	43	Proof not made in time. Reason, sickness.	Do.
W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	36	98	45	do	Do.
N. $\frac{1}{4}$ S. W. $\frac{1}{4}$	36	98	36	Proof not made in time. Reason, failure to complete citizenship.	Aug 2, 1879.
S. $\frac{1}{4}$ S. W. $\frac{1}{4}$	12	90	33	Conflict with prior entry No. 3071, which was canceled July 22, 1873.	Do.

No. 12.—*Abstract of suspended cases in the public lands*

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
438	Detroit, Mich.....	Homestead	19	637	Nicholas Vanderwarker ...
439	Ionia, Mich.....	do		2763	Charles A. West.....
440	do	do		3121	Charles Peterson
441	East Saginaw, Mich	do	24	1152	Conrad Euler
442	Reed City, Mich	do		3697	Robert Rogers
443	do	do	25	3724	Josiah F. May
444	do	do	25	3730	George Paddock
445	Salina, Kans	do	25	12155	W. H. Chastain
446	do	do	25	13328	Henry W. Schoenberger ...
447	do	do	25	13690	Samuel Cornwell.....
448	do	do	25	12383	Nels H. Wiestrand
449	do	do	25	13196	Carl Olson
450	do	do	25	13239	Andrew P. Hokanson
451	do	do	25	12639	Henry B. Wright
452	do	do	25	13343	John M. Wilkerson
453	do	do	25	13121	Emanuel M. Dahlsten
454	Concordia, Kans	do	25	8581	Joseph B. Chase
455	do	do	25	8313	Peter Hanson.....
456	do	do	25	9374	Charles W. Peter.....
457	Ironton, Mo.....	do		1888	John Hatridge.....
458	do	do		1583	George Patterson
459	do	do		1489	John B. Robbins.....
460	do	do	24	1550	Charles Wentney
461	do	do	24	1698	Sarah L. Montgomery
462	do	do	24	1867	Lodi Kitchell
463	Boonville, Mo.....	do	24	2984	Jesse Koe.....
464	Ironton, Mo	do		3050	William N. Pitts.....
465	do	do	24	3987	John Young
466	do	do	24	3007	Berry Smith
467	Springfield, Mo	do		4028	John J. Morris
468	New Orleans, La.....	do	24	597	John Louis Furge
469	do	do	24	803	Sarah, widow of Andrew Richardson, deceased.
470	do	do	24	808	John McCon.....
471	do	do	24	809	Thomas Eccles
472	do	do	24	815	John Robinson.....
473	do	do	24	816	William Hughes.....
474	do	do	24	817	Phebe, widow of Solomon Williams, deceased.
475	do	do	24	841	Henry L. Shaw
476	do	do	24	781	John Rondrigues
477	do	do		589	Elvina Elizabeth Kayongh..
478	do	do		598	Sarah Ann Kayongh.....
479	do	do		801	Mary A., widow of John Foley, deceased.
480	do	do		804	Jane, widow of James Hodges.
481	do	do		729	Simon F. Monroe

division of the General Land Office, &c.—Continued.

Parts of section.	Section.	Township.	Range.	Cause of suspension.	Date of confirmation.
N. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	2	9	12	Conflict with prior entry No. 121, which canceled October 27, 1876.	Aug. 2, 1879.
S. $\frac{1}{4}$ N. W. $\frac{1}{4}$	18	16	11	Residence not made in time. Reason, sickness.	Do.
N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	21	11	16	Proof not made in time. Reason, poverty...	Do.
W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	33	16	10	Proof not made in time. Reason, ignorance.	Do.
S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and lots 6 and 7.	14	22	13	Proof not made in time. Reason, failure to secure citizenship papers in time.	Do.
S. E. $\frac{1}{4}$	20	32	5	Residence not made in time. Reason, sickness.	Do.
S. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and S. $\frac{1}{4}$ S. W. $\frac{1}{4}$	15	20	6	do.	Do.
N. E. $\frac{1}{4}$	22	17	1	do.	Do.
S. E. $\frac{1}{4}$	28	12	3	do.	Do.
S. E. $\frac{1}{4}$	1	20	2	do.	Do.
S. $\frac{1}{4}$ N. E. $\frac{1}{4}$	20	17	4	Residence not made in time. Reason, poverty.	Do.
W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	6	17	3	do.	Do.
S. $\frac{1}{4}$ S. W. $\frac{1}{4}$	22	17	5	do.	Do.
N. E. $\frac{1}{4}$	32	20	2	do.	Do.
S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and N. $\frac{1}{4}$ S. E. $\frac{1}{4}$	24	13	7	Residence not made in time. Reason, ignorance.	Do.
$\frac{1}{4}$ and S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	22	17	4	do.	Do.
E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	35	8	7	Residence not made in time. Reason, sickness.	Do.
S. E. $\frac{1}{4}$	35	8	7	do.	Do.
N. $\frac{1}{4}$ N. W. $\frac{1}{4}$	24	7	7	do.	Do.
N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	6	7	6	do.	Do.
and S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	31	6	6	Residence not made in time. Reason, failed to complete house.	Do.
N. $\frac{1}{4}$ N. W. $\frac{1}{4}$	28	34	2	Residence not continuous. (See Commissioner's letter of May 10, 1879, to register and receiver, herewith.)	Do.
W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	18	27	9	Residence not continuous. Sickness and death in family.	Do.
W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	33				
and S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	32	27	7	Settlement not made in time. Reason, ignorance.	Do.
S. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	24	22	1	Proof not made in time. Reason, sickness..	Do.
and N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$	35				
N. $\frac{1}{4}$ N. W. $\frac{1}{4}$	34				
and N. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	27	24	8	Proof not made in time. Reason, ignorance.	Do.
and S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	7	36	9	Proof not made in time. Reason, poverty ..	Do.
S. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. $\frac{1}{4}$ S. W. $\frac{1}{4}$	19	36	19	Proof not made in time. Reason, sickness..	Do.
S. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$					
and S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$					
W. $\frac{1}{4}$ of lot 2 of N. E. $\frac{1}{4}$ and E. $\frac{1}{4}$	2	35	22	Proof not made in time. (See copy of Commissioner's letter of Apr. 16, 1879, herewith.)	Do.
E. $\frac{1}{4}$ of lot 2 of N. E. $\frac{1}{4}$					
E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	20	38	18	Proof not made in time. Reason, negligence.	Do.
$\frac{1}{4}$ and N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$					
S. $\frac{1}{4}$ S. W. $\frac{1}{4}$	26	37	24	Proof not made in time. Reason, ignorance.	Do.
S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	13	33	18	Proof not made in time. (See Secretary's decision of March 7, 1879, herewith.)	Do.
W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	22				
and S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	21	5	8	Proof not made in time. Reason, ignorance.	Do.
N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	34	2	4	Proof not made in time. Reason, sickness..	Do.
S. $\frac{1}{4}$ S. E. $\frac{1}{4}$	36	7	3	do.	Do.
N. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and S. $\frac{1}{4}$ N. E. $\frac{1}{4}$	1	8	3	Proof not made in time. Reason, ignorance.	Do.
S. $\frac{1}{4}$ S. W. $\frac{1}{4}$	27	8	13	Proof not made in time. Reason, sickness..	Do.
Lots 4 and 5	14				
and lot 4	15	8	6	do.	Do.
Lots 3 and 5	6				
and fractional	7	6	2	Proof not made in time. Reason, ignorance.	Do.
E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$	36	9	1	Proof not made in time. Reason, sickness..	Do.
S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and lot No. 1	27	4	10	Proof not made in time. Reason, ignorance.	Do.
Lots 9, 10, 14, 15, and 16	5	11	9	Proof not made in time. Reason, party claims to have made proof in time, and the same was lost through her agent.	Do.
Lots 6, 11, 12, and 13	5	11	9	do.	Do.
Lots 2 and 3	10	5	2	Proof not made in time. Reason, poverty..	Do.
E. $\frac{1}{4}$ N. E. $\frac{1}{4}$	17	9	10	do.	Do.
E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	1	9	1	Proof not made in time. Reason, sickness..	Do.

No. 27.—Abstract of suspended cases in the public lands

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.
482	New Orleans, La	Homestead	19	740	Joseph Estrab
483	Wausau, Wis	do	24 & 25	1020	Henry Greenwood
484	do	do		1055	Frank Liebe
485	Saint Croix Falls, Wis	do	25	1986	John Frederick Carlson.
486	do	do	25	1988	Custaf Carlson
487	Wausau, Wis	do	25	590	John B. Mason
488	Menosha, Wis	do	25	591	Mary E. Volk
489	La Grande, Oreg	do	19	418	William V. Erving
490	do	do	19	415	Nathan Gray
491	Roseburg, Oreg	do		1098	David L. Hopkins
492	Olympia, Wash	do		1007	William Chico
493	Gainesville, Fla	do	24	1482	Joseph Green
494	Susanville, Cal	do		871	Peter Morgan Mile
495	Yankton, Dak	do		581	William Ryan
496	Sioux Falls, Dak	do	24	3393	Samuel Keller
497	do	do		940	George Cruliss
498	do	do	27	4961	Mary Johnson
499	do	do		4222	Franklin Ferguson
500	Benson, Minn	do		6687	Matthew Bonan
501	do	do		5325	Hans Hanson
502	Lincoln, Nebr	do		11802	David M. Yook
503	Omaha, Nebr	Cash		2619	George W. Templeton
504	Sault Saint Marie	do	11	*678	Ransom Sheldon
505	Lincoln, Nebr	Warrant	13	2634	Thomas Roberts

* Original number.

division of the General Land Office, &c.—Continued.

Parts of section.	Section.	Township.	Range.	Cause of suspension.	Date of confirmation.
E. $\frac{1}{2}$ N. E. $\frac{1}{4}$ and W. $\frac{1}{2}$ N. W. $\frac{1}{4}$	19 20	8	13	Conflict with prior entry of the same land, No. 546. Prior entry canceled February 5, 1876.	Aug. 2, 1879.
E. $\frac{1}{2}$ S. W. $\frac{1}{4}$	26	28	2	Proof and residence not made in time. Reason, ignorance and sickness.	Do.
S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	30	25	10	Proof not made in time. Reason, ignorance.	Do.
N. E. $\frac{1}{4}$	15	38	18	Residence not made in time. Reason, ignorance.	Do.
S. E. $\frac{1}{4}$	10	38	18	do.	Do.
N. $\frac{1}{2}$ S. W. $\frac{1}{4}$	36	20	7	do.	Do.
S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$	26	28	19	do.	Do.
N. E. $\frac{1}{4}$	18	3	39	Conflict with prior homestead entry No. 262, which was canceled August 26, 1872.	Do.
N. E. $\frac{1}{4}$	11	2	39	Conflict with prior homestead entry No. 582, which was canceled May 2, 1874.	Do.
W. $\frac{1}{2}$ N. E. $\frac{1}{4}$ and S. $\frac{1}{2}$ N. W. $\frac{1}{4}$	13	40	8	Proof not made in time. Reason, ignorance.	Do.
Lot 1	4	24	1	do.	Do.
Lot 4	27				
and lot 1	34	16	33	do.	Do.
E. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and W. $\frac{1}{2}$ S. E. $\frac{1}{4}$	32	44	16	Proof not made in time. Reason, unavoidable absence on business.	Do.
S. E. $\frac{1}{4}$	10	95	55	do.	Do.
Lots 1 and 2 of N. W. $\frac{1}{4}$	31	95	50	Proof not made in time. Reason, ignorance.	Do.
N. $\frac{1}{2}$ N. E. $\frac{1}{4}$	33				
and S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$	28	93	51	Proof not made in time. Reason, entry contested, which caused delay.	Do.
S. W. $\frac{1}{4}$	15	96	51	Proof made by an abandoned wife.	Do.
N. E. $\frac{1}{4}$	20	104	50	Residence not made in time. Reason, delay in securing an amendment to his entry.	Do.
N. E. $\frac{1}{4}$	12	120	38	Settlement not made in time. Reason, sickness.	Do.
N. $\frac{1}{2}$ N. E. $\frac{1}{4}$	22	116	37	Residence not made in time. Reason, poverty.	Do.
S. W. $\frac{1}{4}$	24	12	5	Residence not made in time. (See copy of Commissioner's letter of April 14, 1874, with the papers in the case, herewith.)	Do.
N. W. $\frac{1}{4}$	34	23	7	Commuted from homestead No. 2250. Special. (See Commissioner's letter to the honorable Secretary, herewith.)	Do.
Lot 1	27				
Lot 2	26				
and lot 2	35	58	28	Land not offered at date of entry.	Do.
S. $\frac{1}{2}$ N. W. $\frac{1}{4}$	19	14	6	Warrant No. 19653. Land not subject to location, having been withdrawn December 11, 1871, and restored March 26, 1874. Location made August 21, 1873.	Do.

No. 13.—The cases shown upon this abstract fall in class 2 of section 2453 United States Revised Statutes, having been submitted by the Commissioner of the General Land Office and rejected by the board of equitable adjudication provided for under sections 2450-2457, as amended by act of Congress of February 27, 1877, during the fiscal year ending June 30, 1879.

Number.	Office.	Class of cases.	Rule.	R. and R. No.	Names of parties.	Parts of section.	Section.	Township.	Range.	Cause of suspension.	Date of rejection.
1	Concordia, Kans	Homestead	Spec.	9809	John G. Flinn	S. W. $\frac{1}{4}$	12	6	7	Submitted as special case	Aug. 24, 1878
2	Denver, Colo.	do	24	1065	Anthony Shirble	E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	6	4	66	Final proof not made in time. Reason, ignorance.	Jan. 9, 1879
3	Lincoln, Nebr.	do	24	8384	Heirs of Francis M. Frost, deceased.	N. E. $\frac{1}{4}$	8	8	5	do	Nov. 25, 1878
4	Alexandria, Minn.	do		2482	Kjostel Gunderson	E. $\frac{1}{4}$ S. E. $\frac{1}{4}$	12	136	45	Settlement not made in time. Reason, ignorance of the law.	Jan. 23, 1879
5	Kirwin, Kans.	do	25	*3804	Simon P. Snider	N. E. $\frac{1}{4}$	15	3	9	Settlement not made in time. Reason, physical disability.	Mar. 7, 1879
6	Yankton, Dak.	do		*3084	Gurena Olsen	S. E. $\frac{1}{4}$	30	95	54	Residence not continuous. Reason, see testimony.	Mar. 7, 1879
7	New Ulm, Minn.	do		†7537	Per Nelson	S. W. $\frac{1}{4}$	8	108	43	Settlement not made in time. Reason, poverty and loss of crops by grasshoppers.	Apr. 7, 1879
8	Independence, Kans.	do		3137	Nelson Bryan	S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	28	24 S.	17 E.	Residence not continuous. Reason fire.	May 8, 1879
9	Kirwin, Kans.	do	25	6849	Edward Baggott	N. W. $\frac{1}{4}$	23	4 S.	9 W.	Residence not established within statutory period. Reason, sickness.	May 15, 1879
10	Denver, Colo.	do	24	1082	Thomas R. McBride ..	N. W. $\frac{1}{4}$	28	8 N.	69 W.	Proof not made in time. Reason, ignorance.	May 15, 1879

*Original number.

†App. number.

No. 14.—*Estimates of appropriations required for the service of the fiscal year ending June 30, 1881, by the General Land Office.*

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year ending June 30, 1880.
Salaries:			
Commissioner of the General Land Office (Rev. Stat., p. 75, s. 448); and per act March 3, 1875 (18 Stat., p. 364, s. 1).....	\$4,000 00	-----	\$4,000 00
Assistant commissioner (submitted)	*3,000 00	-----	-----
NOTE. —This estimate is submitted in view of the magnitude of the business devolved upon this office and the complicated character of the duties of the Commissioner under the various laws now constituting the public land system, and the additional duties imposed upon him by the late act of Congress, approved March 3, 1879, as a member of the commission created by said act to classify the public lands, codify the public land laws, &c., which since the date said act took effect, to wit, July 1, 1879, has occupied the greater portion of his time, and will continue to until the labors of said commission are completed. The office should be created with a view of dividing the labors and responsibilities of the office of the Commissioner as it now stands.			
Chief clerk, per act March 3, 1853 (10 Stat., p. 211, s. 3); and per act March 3, 1875 (18 Stat., p. 364, s. 1)	*2,250 00	-----	2,000 00
NOTE. —The chief clerk is required by law to act as commissioner in case of vacancy or of the absence or sickness of that officer, and must be fully competent to take charge and control of the bureau at all times when no deputy is provided for; he should receive the usual salary of a deputy bureau officer. It may be added that the proper duties of this office are unusually intricate, complex, and arduous, and fully deserve the salary herein estimated.			
Law clerk, per act March 3, 1875 (18 Stat., p. 364, s. 1)	*2,250 00	-----	2,000 00
NOTE. —The law clerk must be thoroughly conversant with land law and practice, as well as with the usages and practice of the department, and be able to grasp and summarize at once the various questions involved in land contests and the construction of the statutes, and to present the same in proper form for the consideration and action of the head of the bureau and the chiefs of divisions. The compensation estimated for is very moderate considering the nature of the work and the qualifications required. Few attorneys competent to perform the duties could be found willing to do so for the amount named.			
Recorder (Rev. Stat., p. 75, s. 447); and per act March 3, 1875 (18 Stat., p. 264, s. 1)	2,000 00	-----	2,000 00
Three principal clerks, as chiefs of divisions, of public lands, of private land claims, and of surveys, at \$2,000 each (Rev. Stat., p. 75, s. 448); (Rev. Stat., p. 76, s. 449); and per act March 3, 1875 (18 Stat., p. 364, s. 1)	*6,000 00	-----	5,400 00
Seven additional chiefs of divisions, at \$2,000 each (submitted)	*14,000 00	-----	-----
Ten clerks of class four, per act March 3, 1853 (10 Stat., p. 211, s. 3); per act March 3, 1875 (18 Stat., p. 364, s. 1); per act June 19, 1878 (20 Stat., p. 199, s. 1); and per act June 21, 1879 (21 Stat., p. 23, s. 1)	18,000 00	-----	10,800 00
NOTE. —The recorder, in addition to his statutory duties, with the principal clerks and chiefs of divisions, have respectively exclusive charge of a particular class of work and of the clerical force employed upon it. They must know the rules of the whole office and the laws governing the whole land system, the relations of the classes being so intermixed as frequently to involve nearly the whole of them in the consideration of a single case. No higher service is performed by the subordinate officers of any department, not excepting the Treasury, where the salaries range from twenty-seven hundred to thirty-five hundred dollars. Until this aid is given to the bureau no Commissioner can perform with satisfaction or justice to the people or to Congress the responsible labors of the land service. The salaries submitted are far below the measure of desert required in return. The number of chiefs asked for corresponds to the necessary division of work in the office.			
Thirty clerks of class three, per act March 3, 1853 (10 Stat., p. 211, s. 3); per act March 3, 1855 (10 Stat., p. 664, s. 1); per act July 20, 1868 (15 Stat., p. 100, s. 1); per act March 3, 1875 (18 Stat., p. 364, s. 1); and per act June 19, 1878 (20 Stat., p. 199, s. 1)	*48,000 00	-----	35,200 00
Forty clerks of class two, per act March 3, 1853 (10 Stat., p. 211, s. 3); per act March 3, 1855 (10 Stat., p. 664, s. 1); per act July 20, 1868 (15 Stat., p. 100, s. 1); per act March 3, 1875 (18 Stat., p. 364, s. 1); and per act June 19, 1878 (20 Stat., p. 199, s. 1)	56,000 00	-----	56,000 00

* Increase submitted.

No. 14.—*Estimates of appropriations, &c.*—Continued.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year ending June 30, 1880.
Salaries—Continued.			
NOTE.—The number of clerks of classes two and three estimated for is far below the actual requirements of the work of this bureau. The duties devolved upon clerks of these grades cannot be performed by those in the lower grades, and in justice to the settlers on the public domain who have complied with the requirements of law in making their claims and are awaiting final adjudication by this office, the number should be increased.			
One hundred clerks of class one, per act March 3, 1853 (10 Stat., p. 211, s. 3); per act March 3, 1855 (10 Stat., p. 664, s. 1); per act July 20, 1868 (15 Stat., p. 100, s. 1); per act March 3, 1875 (18 Stat., p. 364, s. 1); and per act June 19, 1878 (20 Stat., p. 199, s. 1)	*\$120,000 00	.....	\$96,000 00
Draughtsman, at \$2,000, and one assistant draughtsman, at \$1,600, and ten assistant draughtsmen, at \$1,200 each, per act July 4, 1836 (5 Stat., p. 112, s. 10); per act April 22, 1854 (10 Stat., p. 276, s. 1); and per act March 3, 1875 (18 Stat., p. 364, s. 1)	15,600 00	.....	3,000 00
NOTE.—The estimate for draughtsmen is based upon the ascertained wants and needs of the office. Heretofore the work has been done by detailed clerks, possessing some qualifications therefor, but not always in the best manner, and usually after great and inconvenient delay. There should be ample provision for this work, and it is believed that the estimate made will be within the absolute requirements of the service.			
Ten clerks, at \$1,000 each, per act June 21, 1879 (21 Stat., p. 23, s. 1)	10,000 00	.....	30,000 00
Nine copyists, at \$900 each, per act June 21, 1879 (21 Stat., p. 23, s. 1)	8,100 00	.....	8,100 00
Nine assistant messengers, at \$720 each, per act July 4, 1836 (5 Stat., p. 112, s. 10); per act March 3, 1869 (15 Stat., p. 287, s. 1); per act March 3, 1875 (18 Stat., p. 364, s. 1); and per act June 19, 1878 (20 Stat., p. 199, s. 1)	6,480 00	.....	6,480 00
Six packers, at \$720 each, per act July 4, 1836 (5 Stat., p. 112, s. 10); per act March 3, 1869 (15 Stat., p. 287, s. 1); per act March 3, 1875 (18 Stat., p. 364, s. 1); and per act June 21, 1879 (21 Stat., p. 23, s. 1)	4,320 00	.....	4,320 00
Twelve laborers, at \$660 each, per act March 3, 1869 (15 Stat., p. 287, s. 1); per act March 3, 1869 (15 Stat., p. 291, s. 1); per act March 3, 1875 (18 Stat., p. 364, s. 1); per act June 19, 1878 (20 Stat., p. 199, s. 1); and per act June 21, 1879 (21 Stat., p. 23, s. 1)	7,920 00	.....	7,920 00
NOTE.—The estimates for service in the lower grades, messengers and laborers included, are less than the needs of the office require, but are submitted as the very lowest possible to secure proper efficiency and dispatch. The lack of help in these positions has up to this time greatly impaired the <i>morale</i> of the bureau in compelling clerks and chiefs of divisions to leave their proper work and occupy their time in performing service really pertaining to messengers and copyists. It is hoped the full number herewith estimated for may be authorized.			
	327,920 00	327,920 00	273,220 00

* Increase submitted.

Provided, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of the said appropriation for piece-work or by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of \$1,200,

J. M. ARMSTRONG,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
General Land Office, September 30, 1879.

*Estimates of appropriations required for the service of the fiscal year ending June 30, 1881,
by the General Land Office.*

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year ending June 30, 1880.
Contingent expenses:			
Diagrams, parchment paper for land patents, furniture and repairs of the same, miscellaneous items, for the actual expenses of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, and for advertising and telegraphing, per act May 8, 1872 (17 Stat., p. 75, sec. 1); June 10, 1872 (17 Stat., p. 364, sec. 1); June 19, 1878 (20 Stat., p. 199, sec. 1); and June 21, 1879 (21 Stat., p. 23, sec. 1).....		\$40,000 00	\$25,000 00
Map:			
For connected and separate United States and other maps prepared in this office, per act June 23, 1874 (18 Stat., p. 213, sec. 1); and March 3, 1875 (18 Stat., p. 374, sec. 1).....		6,000 00	
Printing, binding, &c.:			
Land Office reports, circulars, patents, tract books, indices, records, field notes, abstracts, and other miscellaneous printing and binding required for the use of the office, per act May 8, 1872 (17 Stat., p. 82, sec. 2); June 23, 1874 (18 Stat., p. 204, sec. 1); and March 3, 1875 (18 Stat., p. 371, sec. 1).....		*20,000 00	17,509 68
For rebinding tract books, in constant use, which have become damaged by age and use.....	Submitted.	10,000 00	
NOTE. —The necessity for this appropriation is very urgent, the books being in danger of complete destruction, and no copies of them being in existence. These tract books constitute the only practicable and accessible record of original entries, and not one of them could be lost without a cost of several hundreds of dollars to replace it.			
Collecting revenue from sales of public lands:			
Salaries and commissions of registers and receivers of district land offices, as provided by law, not exceeding \$3,000 each (see detailed statement herewith), per act June 23, 1874 (18 Stat., p. 213, sec. 1; March 3, 1875 (18 Stat., p. 384, sec. 1); June 20, 1878 (20 Stat., p. 207, sec. 1); and March 3, 1879 (chap. 182, p. 392).....	\$558,000 00		386,000 00
Incidental expenses of the several land offices, per act June 22, 1874 (18 Stat., p. 212, sec. 1); March 3, 1875 (18 Stat., p. 384, sec. 1); June 20, 1878 (20 Stat., p. 207, sec. 1); and March 3, 1879 (chap. 182, p. 392).....	100,000 00		100,000 00
NOTE. —The amount asked for under this head is intended to cover allowances for office rent, clerk hire, &c., as well as for fees heretofore retained by the district officers, collected under sections 2238 and 2239 Revised Statutes, and not properly accounted for. Under the corrected practice all such fees must be covered into the Treasury and will stand as an offset to this appropriation, which will be disbursed by proper account and requisition according to law. Upon allowances for clerk hire, rent, &c., under the express authority of the Secretary of the Interior previously obtained. There are nearly one hundred district offices already established by law, and others are liable to be created from time to time. The amount submitted will barely suffice to cover the proper and necessary allowances.			
Expense of depositing public moneys, per act June 23, 1874 (18 Stat., p. 213, sec. 1); March 3, 1875 (18 Stat., p. 384, sec. 1); June 20, 1878 (20 Stat., p. 207, sec. 1); and March 3, 1879 (chap. 182, p. 392).....	13,000 00		10,000 00
For the protection of timber on the public lands, per act March 3, 1873 (17 Stat., p. 517, sec. 1); March 3, 1875 (18 Stat., p. 384, sec. 1); June 20, 1878 (20 Stat., p. 207, sec. 1); and March 3, 1879 (chap. 182, p. 392).....	*75,000 00		40,000 00
For the settlement of claims for swamp land and swamp land indemnity, per act June 28, 1879 (21 Stat., p. 41, sec. 1).....	40,000 00		15,000 00
		786,000 00	
		862,000 00	593,509 68

* Increase estimated.

No. 15.—Detailed estimate of amount for salaries and commissions of registers and receivers of the several land offices during the fiscal year ending June 30, 1881.

States and Territories.	Land offices.	Salaries and commissions.	Total.
Alabama.....	Huntsville	\$6, 000	\$12, 000
	Montgomery	6, 000	
Arizona.....	Florence	6, 000	12, 000
	Prescott	6, 000	
Arkansas.....	Camden	6, 000	24, 000
	Dardanelle	6, 000	
	Harrison	6, 000	
	Little Rock.....	6, 000	
California.....	Bodie	6, 000	60, 000
	Humboldt.....	6, 000	
	Los Angeles.....	6, 000	
	Marysville.....	6, 000	
	Sacramento.....	6, 000	
	San Francisco.....	6, 000	
	Shasta	6, 000	
	Stockton	6, 000	
	Susanville.....	6, 000	
	Visalia	6, 000	
Colorado.....	Central City.....	6, 000	36, 000
	Del Norte.....	6, 000	
	Denver City.....	6, 000	
	Lake City.....	6, 000	
	Leadville.....	6, 000	
	Pueblo.....	6, 000	
Dakota.....	Bismarck	6, 000	36, 000
	Deadwood.....	6, 000	
	Fargo	6, 000	
	Sioux Falls.....	6, 000	
	Springfield.....	6, 000	
	Yankton	6, 000	
Florida.....	Gainesville.....	6, 000	6, 000
Idaho.....	Boise City.....	6, 000	18, 000
	Lewiston.....	6, 000	
	Oxford.....	6, 000	
Iowa.....	Des Moines.....	6, 000	6, 000
Kansas.....	Concordia.....	6, 000	48, 000
	Hays City.....	6, 000	
	Independence.....	6, 000	
	Kirwin.....	6, 000	
	Larned.....	6, 000	
	Salina.....	6, 000	
	Topeka.....	6, 000	
	Wichita.....	6, 000	
Louisiana.....	Natchitoches.....	6, 000	12, 000
	New Orleans.....	6, 000	
Michigan.....	Detroit	6, 000	24, 000
	East Saginaw.....	6, 000	
	Marquette.....	6, 000	
	Reed City.....	6, 000	
Minnesota.....	Benson.....	6, 000	54, 000
	Crookston.....	6, 000	
	Duluth.....	6, 000	
	Fergus Falls.....	6, 000	
	New Ulm.....	6, 000	
	Redwood Falls.....	6, 000	
	Saint Cloud.....	6, 000	
	Taylor's Falls.....	6, 000	
	Worthington.....	6, 000	
Mississippi.....	Jackson.....	6, 000	6, 000
Missouri.....	Boonville.....	6, 000	18, 000
	Ironton.....	6, 000	
	Springfield.....	6, 000	

No. 15.—Detailed estimate of amount for salaries, &c.—Continued.

States and Territories.	Land offices.	Salaries and commissions.	Total.
Montana.....	Bozeman	\$6,000	\$12,000
	Helena	6,000	
Nebraska.....	Beatrice.....	6,000	42,000
	Bloomington.....	6,000	
	Grand Island.....	6,000	
	Lincoln	6,000	
	Niobrara	6,000	
	Norfolk	6,000	
	North Platte	6,000	
Nevada.....	Carson City.....	6,000	12,000
	Eureka.....	6,000	
New Mexico.....	La Mesilla	6,000	12,000
	Santa Fé	6,000	
Oregon	La Grande	6,000	30,000
	Lake View	6,000	
	Oregon City.....	6,000	
	Roseburg	6,000	
	The Dalles	6,000	
Washington.....	Colfax.....	6,000	24,000
	Olympia.....	6,000	
	Vancouver.....	6,000	
	Walla Walla	6,000	
Wisconsin.....	Bayfield.....	6,000	36,000
	Eau Claire	6,000	
	Falls Saint Croix	6,000	
	La Crosse	6,000	
	Menasha	6,000	
	Wausau	6,000	
Wyoming.....	Cheyenne	6,000	12,000
	Evanston	6,000	
Utah	Salt Lake City	6,000	6,000
Total			558,000

J. M. ARMSTRONG,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
General Land Office, September 30, 1879.

No. 16.—*Estimates of appropriations required for the service of the fiscal year ending June 30, 1881, by the General Land Office.*

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year ending June 30, 1880.
<i>Surveying the public lands.</i>			
At rates not exceeding \$12 per linear mile for standard and meander lines, \$10 for township, and \$8 for section lines, except that the Commissioner of the General Land Office may allow for the survey of standard and meander lines through lands heavily timbered, mountainous, and covered with dense undergrowth, a sum not exceeding \$16 per linear mile for standard lines, \$14 for township, and \$10 for section lines (R. S., p. 438, sec. 2395; appropriated, 20 Stat., p. 392)		\$400,000 00	\$300,000 00
<i>Surveying private land claims in California.</i>			
Surveying confirmed private land claims in California, at the rates per mile prescribed by law, and office expenses (R. S., p. 390, sec. 2223; appropriated, 20 Stat., p. 392)		10,000 00	7,500 00
<i>Surveying private land claims in New Mexico.</i>			
For the preliminary survey of <i>unconfirmed</i> and survey of <i>confirmed</i> private land claims in New Mexico, at a rate not exceeding \$16 per linear mile and office expenses (R. S., p. 390, sec. 2223; appropriated, 20 Stat., p. 392)		6,000 00	10,000 00
<i>Surveying private land claims in Arizona.</i>			
For the preliminary survey of <i>unconfirmed</i> and survey of <i>confirmed</i> private land claims in Arizona, at a rate not exceeding \$16 per linear mile, and office expenses (R. S., p. 390, sec. 2223; appropriated, 20 Stat., p. 392)		8,000 00	15,000 00
<i>Examination of public surveys.</i>			
Occasional examinations of public surveys in the several surveying districts, in order to test the accuracy of the work in the field, inspect mineral deposits, coal fields, timber districts, &c., (R. S., p. 390, 2223; appropriated, 20 Stat., p. 392)		15,000 00	8,000 00
NOTE.—The \$15,000 is estimated to cover expenses of examiners, to be designated by the Commissioner of the General Land Office, or surveyors general, to test the fidelity of the execution of the field work; also to enable surveyors general to satisfy themselves of the correctness of surveys returned to them for their examination and approval, and to secure thereby a faithful execution of the work by deputy surveyors.			
<i>Survey of boundary between the Territories of Montana and Dakota.</i>			
Survey of the boundary line between the Territories of Montana and Dakota, being so much of the 27th meridian of west longitude from Washington Observatory as is included between the 45th and 49th parallels of north latitude, at the rate of \$70 per linear mile; estimated distance, two hundred and seventy-eight miles (submitted)		19,480 00	
NOTE.—The \$19,480 is submitted for the purpose of establishing the boundary, in order to define the political jurisdiction of the Territories of Montana and Dakota, so that the respective inhabitants may know to which particular Territory their rights of citizenship belong.			
The boundary is needed in order that the lines of public surveys projected from different bases and meridians may be closed thereon; also to enable settlers to apply to the proper land offices to secure their claims.			
<i>Survey of boundary between the Territories of Arizona and Utah.</i>			
Survey of the boundary line between the Territories of Arizona and Utah, being so much of the 37th parallel of north latitude as is included between the 32d and 37th meridians of west longitude from Washington Observatory, at the rate of \$75 per linear mile; estimated distance, two hundred and seventy-seven miles (submitted)		20,775 00	
NOTE.—The \$20,775 is submitted for the purpose of establishing the boundary, in order to define the political jurisdiction of the Territories of Arizona and Utah, so that the respective inhabitants may know to which particular Territory their rights of citizenship belong.			
The boundary is needed in order that the lines of public surveys projected from different bases and meridians may be closed thereon; also to enable settlers to apply to the proper land offices to secure their claims.			

No. 16.—*Estimates of appropriations required, &c.*—Continued.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year ending June 30, 1880.
<i>Appraisement and sale of Fort Dalles Military Reservation, in Oregon, and other abandoned military reservations.</i>			
Appraisement of the lands and buildings erected by the United States, and sale of the same to the highest bidder, per act of March 3, 1877 (19 Stats., p. 406), and act of February 24, 1871 (16 Stats., p. 430); (submitted)		\$5, 000 00	
<i>Reconnaissance of surveying districts.</i>			
Preliminary examination of the surveying districts by surveyors general, to enable them to let contracts for the survey of public lands of the classes allowed by law (submitted)		15, 000 00	
NOTE.—The sum of \$15,000 is needed to cover expenses of examinations in the field by surveyors general, to enable them to ascertain where public surveys are most needed by settlers, and what lands are of a surveyable character, so that they may avoid expending appropriations in surveying sterile and waste lands.			
<i>Retracing and reproduction of worn and defaced official township plats.</i>			
To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys now on file and constituting a part of the records of said office; appropriated (20 Stats., p. 393)		20, 000 00	\$12, 000 00
NOTE.—The sum of \$20,000 is required to prevent a total obliteration of designations on official township plats defaced and mutilated by constant use during a period of eighty years, thus rendering them unreliable in furnishing certified copies under the provisions of an act of Congress approved July 2, 1864 (Stats., vol. 13, p. 375; Rev. Stats., sec. 461).			
Total for surveying the public lands		519, 235 00	

J. M. ARMSTRONG,
Acting Commissioner.DEPARTMENT OF THE INTERIOR,
General Land Office, September 30 1879.

No. 17.—*Estimates of appropriations required for the service of the fiscal year ending June 30, 1881, by the General Land Office.*

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year ending June 30, 1880.
PUBLIC LANDS.			
<i>Office of surveyor general of Louisiana.</i>			
Contingent expenses:			
Fuel, books, stationery, messenger hire, and other incidental expenses, (R. S. p. 391, sec. 2227; appropriated, 20 Stat., p. 393)		\$2,000 00	\$1,000 00
<i>Office of surveyor general of Florida.</i>			
Contingent expenses:			
Rent of office for surveyor general, fuel, books, stationery, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 393)		1,000 00	1,000 00
<i>Office of surveyor general of Minnesota.</i>			
Contingent expenses:			
Fuel, books, stationery, pay of messenger, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., 393)		2,000 00	1,500 00
<i>Office of surveyor general of Dakota.</i>			
Contingent expenses:			
Rent of office for surveyor general, fuel, books, stationery, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 393)		2,700 00	1,500 00
<i>Office of surveyor general of Colorado.</i>			
Contingent expenses:			
Rent of office for surveyor general, fuel, books, stationery, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 393)		2,500 00	1,500 00
<i>Office of surveyor general of New Mexico.</i>			
Contingent expenses:			
Rent of office for surveyor general, fuel, books, stationery, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 393)		4,000 00	1,500 00
NOTE.—The \$4,000 estimated for incidental expenses is to cover the cost of a fire-proof safe and of the renewal of office furniture, dilapidated by wear and tear of upwards of twenty years' duration.			
<i>Office of surveyor general of California.</i>			
Contingent expenses:			
Fuel, books, stationery, pay of messenger, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 393)		4,000 00	3,000 00
NOTE.—Supply of record books, blank books, and other stationery to meet the exigencies of the extensive surveying service, actually requires the means estimated in order to obviate deficiencies.			
<i>Office of surveyor general of Idaho.</i>			
Contingent expenses:			
Rent of office for surveyor general, fuel, books, stationery, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 393)		2,000 00	1,500 00
<i>Office of surveyor general of Nevada.</i>			
Contingent expenses:			
Rent of office for surveyor general, fuel, books, stationery, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 393)		2,700 00	1,500 00
NOTE.—The \$2,700 estimated for contingent expenses is considered absolutely necessary to cover the office expenses and prevent a deficiency from occurring, as has been the case in prior years.			
<i>Office of surveyor general of Oregon.</i>			
Contingent expenses:			
Fuel, books, stationery, pay of messenger, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 393)		1,500 00	1,500 00
<i>Office of surveyor general of Washington.</i>			
Contingent expenses:			
Rent of office for surveyor general, fuel, books, stationery, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 393)		2,000 00	1,500 00

No. 17.—*Estimates of appropriations required, &c.*—Continued.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year ending June 30, 1880.
<i>Office of surveyor general of Nebraska and Iowa.</i>			
Contingent expenses: Rent of office for surveyor general, fuel, books, stationery, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 393)		\$2, 500 00	\$1, 500 00
NOTE.—The \$2,500 estimated for incidental expenses includes the cost of binding township plats and field notes.			
<i>Office of surveyor general of Montana.</i>			
Contingent expenses: Rent of office for surveyor general, fuel, books, stationery, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 393)		2, 500 00	1, 500 00
NOTE.—The \$2,500 estimated for incidental expenses includes the cost of binding township plats and field notes.			
<i>Office of surveyor general of Utah.</i>			
Contingent expenses: Rent of office for surveyor general, fuel, books, stationery, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 394)		2, 500 00	1, 500 00
<i>Office of surveyor general of Wyoming.</i>			
Contingent expenses: Rent of office for surveyor general, fuel, books, stationery, and other incidental expenses, including pay of messenger (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 394)		2, 000 00	1, 500 00
<i>Office of surveyor general of Arizona.</i>			
Contingent expenses: Rent of office for surveyor general, fuel, books, stationery, and other incidental expenses (R. S., p. 391, sec. 2227; appropriated, 20 Stat., p. 394)		2, 000 00	1, 500 00
Total for contingent expenses		37, 900 00	

J. M. ARMSTRONG,
Acting Commissioner.DEPARTMENT OF THE INTERIOR,
General Land Office, September 30, 1879.No. 18.—*Estimates of appropriations required for the service of the fiscal year ending June 30, 1881, by the General Land Office.*

[Detailed objects of expenditure, and explanations.]	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year ending June 30, 1880.
PUBLIC LANDS.			
<i>Office of surveyor general of Louisiana.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 388, sec. 2208) ..	\$2, 000 00		
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	18, 800 00	\$20, 800 00	\$5, 800 00
NOTE.—The \$18,800 is estimated for compensation of clerk hire, consisting of three regular clerks and draughtsmen, calling for \$4,800, and fourteen \$1,000 clerks, to bring up the arrears in office work of many years' standing, viz: to prepare duplicate patent plats of confirmed private land claims, of which there are about six hundred entitled to patents, and which cannot be patented			

No. 18.—*Estimates of appropriations required, &c.—Continued.*

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year ending June 30, 1880.
until such plats are made; also, to transcribe field notes of surveys of about seven hundred and eighty townships for a long while in arrears, and requiring one month of time to copy the notes of six townships by one clerk. Very limited appropriations for office work in former years caused so extensive arrears.			
<i>Office of surveyor general of Florida.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 388, sec. 2208) ..	\$2,000 00		
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	4,200 00	\$6,200 00	\$3,800 00
NOTE.—The \$4,200 for clerk hire is estimated as necessary to transact the current work and bring up the arrears, consisting of descriptive notes of sixty-three townships to be furnished to the register's office, necessary indexes to swamp land selections, and field notes of surveys of public lands and private land claims; also to complete a "condensed history" of private land claims.			
<i>Office of surveyor general of Minnesota.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 388, sec. 2208) ..	2,000 00		
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	8,500 00	10,500 00	7,000 00
NOTE.—The \$8,500 for clerk hire is estimated for seven clerks to enable the surveyor general to employ them to attend properly to the current office work, as well as to the bringing up of the work in arrears on account of former limited appropriations for the purpose.			
<i>Office of surveyor general of Dakota.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 388, sec. 2208) ..	2,000 00		
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	6,500 00	8,500 00	6,500 00
NOTE.—The \$6,500 is estimated for compensation of five employes in the surveyor general's office, consisting of a chief clerk, two draughtsmen, and two other clerks, actually necessary to keep pace with the field work and avoid any arrears in the office work.			
<i>Office of surveyor general of Colorado.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 389, sec. 2210) ..	3,000 00		
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	7,800 00	10,800 00	6,000 00
NOTE.—The \$7,800 estimated for clerk hire is for the compensation of three clerks and two draughtsmen to attend to the office work consequent on surveys of public lands and mineral surveys; arrears of office work for five years are reported by the surveyor general in the descriptive lists of public surveys, and the necessity for a map of mineral surveys of an extensive range.			
<i>Office of the surveyor general of New Mexico.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 389, sec. 2210) ..	3,000 00		
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	10,000 00	13,000 00	8,500 00
NOTE.—The \$10,000 estimated for compensation of translator and chief clerk, two draughtsmen, and four clerks, the clerical force unavoidably requisite for the transaction of the public business connected with the survey of private land claims in examining Spanish and Mexican titles to lands and adjudicating them; also, in attending to the surveys of the public lands.			

No. 18.—*Estimates of appropriations required, &c.*—Continued.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year ending June 30, 1880.
<i>Office of the surveyor general of California.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 389, sec. 2210)...	\$3,000 00		
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., sec. 23)	30,000 00	\$33,000 00	\$13,750 00
<p>NOTE.—The \$30,000 is estimated for compensation of regular clerks and draughtsmen in the surveyor general's office to meet the extensive demands of the public service, and also to bring up greatly accumulated arrears in office work during fifteen years last past, owing to restricted appropriations in former years. The arrears consist of 50 original maps of swamp lands claimed by the State; 200 lists of swamp lands and copies of same; emendation of township plats in triplicate, caused by final surveys of mineral and private claims; reproduction of old plats worn out by constant use; 270 township plats for registers and receivers; 1,800 descriptive lists of as many townships surveyed and not yet finished, to the registers and receivers, as the law requires; and many other items for the enumeration of which reference is made to the truthful description of the surveyor general's statement thereof, as an additional explanation, to be found in the appendix to these estimates.</p>			
<i>Office of the surveyor general of Idaho.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 389, sec. 2210)...	3,000 00		
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	4,000 00	7,000 00	5,000 00
<p>NOTE.—The \$4,000 estimated for clerk hire covers scarcely the pay of three clerks for the whole fiscal year, the third clerk, at \$700, for a part of the year only.</p>			
<i>Office of the surveyor general of Nevada.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 389, sec. 2210)...	3,000 00		
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	5,000 00	8,000 00	5,500 00
<p>NOTE.—The \$5,000 is estimated for clerk hire in the office of surveyor general of Nevada, to cover the pay of clerks and draughtsmen to attend to the current office work on agricultural, mineral, and other surveys.</p>			
<i>Office of the surveyor general of Oregon.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 388, sec. 2209)...	2,500 00		
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	7,000 00	9,500 00	7,000 00
<p>NOTE.—The \$7,000 is estimated for clerk hire to cover the pay of regular clerks for current office work and to bring up arrears of work, consisting of the transcribing of field notes of public surveys, and also to bring up accumulated arrears in office work since 1862 in the transcribing of the field notes of survey of donation claims; the original notes being in a dilapidated condition, should be preserved from destruction.</p>			
<i>Office of surveyor general of Washington.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 388, sec. 2209)...	2,500 00		
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	7,500 00	\$10,000 00	\$6,500 00
<p>NOTE.—The \$7,500 is submitted for clerk hire to carry on the current work and bring up the arrears, consisting of the transcribing of field notes of former surveys of public lands and donation claims, there being arrears of ten years' standing. As the original field notes are in a very dilapidated condition, further delay in transcribing them may cause great loss, and embarrass not only the public interest but those of individual owners of lands.</p>			

No. 18.—*Estimates of appropriations required, &c.*—Continued.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year ending June 30, 1880.
<i>Office of surveyor general of Nebraska and Iowa.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 388, sec. 2208).	\$2, 000 00	-----	-----
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	6, 300 00	\$8, 300 00	\$5, 000 00
NOTE.—The \$6,300 is estimated for clerk hire required for the transaction of the ordinary public business of the office, and which sum is allowed by the organic law.			
<i>Office of surveyor general of California.</i>			
Salaries:			
For completing, translating, copying, and indexing original Spanish archives, and preserving from destruction originals greatly defaced, in the office of the surveyor general of California, per act March 3, 1879 (appropriated, 20 Stat., p. 393)	-----	6, 000 00	9, 000 00
NOTE.—The archives are reported by the surveyor general to comprise, in addition to the original grants and expedientes, about 800 bound volumes of papers relating to the land titles and early history of the State. The arrangement of them is very imperfect; the volumes designated as "Provincial State Papers," "Departmental State Papers," "Juzgados," &c., are without index or chronological arrangement. It being more difficult to find the records of cases among these papers than it was when they were in their loose state; the plan is to make translation of some, a digest and index, and to record them in well-bound books.			
<i>Office of surveyor general of Montana.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 389, sec. 2210).	3, 000 00	-----	-----
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	6, 000 00	9, 000 00	5, 750 00
NOTE.—The \$6,000 estimated for clerks in the surveyor general's office is considered as absolutely necessary for the transaction of the current office work on agricultural surveys, which are on the increase, and to bring up arrears of office work in the extensive platting and mapping of the mineral claims and emendation of plate.			
<i>Office of surveyor general of Utah.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 389, sec. 2210) ..	3, 000 00	-----	-----
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	5, 000 00	8, 000 00	5, 750 00
NOTE.—The \$5,000 is estimated for the compensation of clerks in the surveyor general's office, indispensably needed to attend to extensive surveys of public lands and mineral claims, and preparation of maps and field notes of the twenty-nine mining districts; the latter work being in arrears and should be brought up to date.			
<i>Office of surveyor general of Wyoming.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 389, sec. 2210) ..	3, 000 00	-----	-----
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	4, 000 00	7, 000 00	6, 250 00
NOTE.—The \$4,000 is estimated for compensation of clerks to attend to the official business of the office.			
<i>Office of surveyor general of Arizona.</i>			
Salaries:			
Surveyor general, per act June 21, 1879 (R. S., p. 389, sec. 2210) ..	3, 000 00	-----	-----
Clerks in his office (R. S., p. 391, sec. 2226; appropriated, 21 Stat., p. 23)	5, 500 00	8, 500 00	5, 750 00
NOTE.—The \$5,500 for clerk hire in the surveyor general's office is estimated as the least sum to include the pay of one clerk at \$2,500 per annum, who is versed in the English and Spanish languages, to assist in the examining and reporting upon titles to private land claims, which duties were devolved upon the surveyor general by the proviso to the appropriation act of July 15, 1870 (16 Stat., p. 304.) The cost of living in Arizona is also reported as higher than in any other surveying district.			
Total for salaries		184, 100 00	-----

J. M. ARMSTRONG,
Acting Commissioner.

DEFICIENCIES.

No. 19.—*Estimates of appropriations required for the service of the fiscal year's ending June 30, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, and 1879, by the General Land Office.*

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the fiscal year for which the appropriation is required.
<i>Surveying public lands.</i>			
<i>Arizona:</i>			
Solomon W. Foreman, deputy surveyor, under contract of August 7, 1871, per act of March 3, 1871 (16 Stat., p. 502, sec. 1).....	.....	\$75 11	\$20,000 00
Theodore F. White, deputy surveyor, under contract of May 13, 1873, per act of March 3, 1873 (17 Stat., p. 516, sec. 1).....	.....	45 94	20,000 00
Theodore F. White, deputy surveyor, under contract of September 23, 1874, per act of June 23, 1874 (18 Stat., p. 212, sec. 1).....	.....	81 84	20,000 00
Theodore F. White, deputy surveyor, under contract of June 25, 1875, per act of March 3, 1875 (18 Stat., p. 383, sec. 1).....	\$67 53	.....	.....
Theodore F. White, deputy surveyor, under contract of December 8, 1875, per act of March 3, 1875 (18 Stat., p. 383, sec. 1).....	213 27	280 80	20,000 00
<i>California:</i>			
*Joseph J. Cloud, deputy surveyor, under contract of April 6, 1871, per act of July 15, 1870 (16 Stat., p. 304, sec. 1).....	9 39	.....	50,000 00
J. R. Glover, deputy surveyor, under contract of September 16, 1875, per act of March 3, 1875 (18 Stat., p. 383, sec. 1).....	388 21	.....	.....
F. T. Perris, deputy surveyor, under contract of January 31, 1876, per act of March 3, 1875 (18 Stat., p. 383, sec. 1).....	268 66	.....	.....
John Gilcrest, deputy surveyor, under contract of January 21, 1876, per act of March 3, 1875 (18 Stat., p. 383, sec. 1).....	535 94	.....	.....
John A. Benson, deputy surveyor, under contract of December 13, 1875, per act of March 3, 1875 (18 Stat., p. 383, sec. 1).....	491 60	.....	.....
D. D. Brown, deputy surveyor, under contract of July 19, 1875, per act of March 3, 1875 (18 Stat., p. 383, sec. 1).....	282 64	.....	.....
William Minto, deputy surveyor, under contract of June 26, 1875, per act of March 3, 1875 (18 Stat., p. 383, sec. 1).....	2,266 85	4,233 90	70,000 00
<i>Florida:</i>			
John A. Henderson, deputy surveyor, under contract of December 23, 1875, per act of March 3, 1875 (18 Stat., p. 383, sec. 1).....	302 63	.....	.....
John P. Apthorp, deputy surveyor, under contract of May 20, 1875, per act of March 3, 1875 (18 Stat., p. 383, sec. 1).....	399 10	701 73	10,000 00
<i>Louisiana:</i>			
Pierre A. Thibodeaux, deputy surveyor, under contract of July 17, 1875, per act of March 3, 1875 (18 Stat., p. 383, sec. 1).....	.....	57 50	15,000 00
<i>Oregon:</i>			
William E. Smith, deputy surveyor, under contract of May 4, 1871, per act of March 3, 1871 (16 Stat., p. 502, sec. 1).....	.....	70 55	50,000 00
S. Corwin and J. C. Handley, deputy surveyors, under contract of February 26, 1873, per act of June 10, 1872 (17 Stat., p. 358, sec. 1).....	.....	263 52	70,000 00
Jasper W. Wilkins, deputy surveyor, under contract of June 21, 1873, per act of March 3, 1875 (17 Stat., p. 516, sec. 1).....	65 86	.....	.....
Jason Owen, deputy surveyor, under contract of July 1, 1873, per act of March 3, 1873 (17 Stat., p. 516, sec. 1).....	55 83	.....	.....
John D. Crawford, deputy surveyor, under contract of July 9, 1873, per act of March 3, 1873 (17 Stat., p. 516, sec. 1).....	181 54	.....	.....
William H. Byars, deputy surveyor, under contract of July 14, 1873, per act of March 3, 1873 (17 Stat., p. 516, sec. 1).....	12 13	.....	.....
L. F. Bannin and N. O. Walden, deputy surveyors, under contract of July 15, 1873, per act of March 3, 1873 (17 Stat., p. 516, sec. 1).....	80 11	395 47	70,000 00
J. H. Evans and J. G. Gray, deputy surveyors, under contract of July 8, 1874, per act of June 23, 1874 (18 Stat., p. 213, sec. 1).....	.....	15 12	60,000 00
<i>Surveying public and private lands.</i>			
<i>Colorado:</i>			
Thomas B. Medary, deputy surveyor, under contract of May 5, 1879, per act June 20, 1878 (Stat. 1877-78, p. 229, sec. 1).....	873 73	.....	.....
<i>Louisiana:</i>			
John Kap and James Bradford, deputy surveyors, under contract of August 1, 1878, per act of June 20, 1878 (Stat. 1877-78, p. 229, sec. 1).....	4,803 05	5,676 78	300,000 00

NOTE.—The foregoing estimates are submitted in order to liquidate balances due to the deputy surveyors for surveys executed under their respective contracts entered into with the respective surveyors general of the United States and Territories. The deficiencies are caused by said surveyors general underestimating the cost of the work included in the contracts; but as the surveys have been approved and accepted by this office, and made available to the government in the disposal of the lands thus surveyed, the respective sums are submitted.

DEFICIENCIES—Continued.

No. 19.—*Estimates of appropriations required for the service, &c.*—Continued.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the fiscal year for which the appropriation is required.
<i>Surveying public lands.</i>			
New Mexico:			
William H. McBroom, deputy surveyor, under contract of September 27, 1876, per act of July 31, 1876 (19 Stat., p. 120, sec. 1) . . .	\$104 45	-----	-----
Arizona:			
Theodore F. White, deputy surveyor, under contract of December 7, 1876, per act of July 31, 1876 (19 Stat., p. 120, sec. 1)	113 54	-----	-----
Nevada:			
G. W. Garside, deputy surveyor, under contract of November 11, 1876, per act of July 31, 1876 (19 Stat., p. 120, sec. 1)	256 31	-----	-----
Florida:			
Charles F. Smith, deputy surveyor, under contract of June 22, 1877, per act of July 31, 1876 (19 Stat., p. 120, sec. 1)	457 12	\$931 42	\$300,000 00
<i>Surveying public and private lands.</i>			
Arizona:			
Theodore F. White and John L. Harris, deputy surveyors, under contract of July 17, 1877, per act of March 3, 1877 (19 Stat., p. 348, sec. 1)	71 57	-----	-----
Theodore F. White and John L. Harris, deputy surveyors, under contract of September 20, 1877, per act of March 3, 1877 (19 Stat., p. 348, sec. 1)	63 24	-----	-----
Nevada:			
W. N. McGill, deputy surveyors, under contract of May 27, 1878, per act of March 3, 1877 (19 Stat., p. 348, sec. 1)	116 02	-----	-----
Edward L. Bridges, deputy surveyor, under contract of May 30, 1878, per act of March 3, 1877 (19 Stat., p. 348, sec. 1)	3 48	-----	-----
New Mexico:			
Elkins and Marmon, deputy surveyors, under contract of August 15, 1877, per act of March 3, 1877 (19 Stat., p. 348, sec. 1)	104 82	-----	-----
Utah:			
James H. Martineau, deputy surveyor, under contract of August 30, 1877, per act of March 3, 1877 (19 Stat., p. 348, sec. 1)	77 65	436 78	300,000 00
Arizona:			
John L. Harris, deputy surveyor, under contract of July 19, 1878, per act of June 20, 1878 (Stat. 1877-'78, p. 229, sec. 1)	358 39	-----	-----
Nevada:			
W. N. McGill, deputy surveyor, under contract of September 20, 1878, per act of June 20, 1878 (Stat. 1877-'78, p. 229, sec. 1)	24 52	-----	-----
D. H. Barker and J. H. Eaton, deputy surveyors, under contract of October 4, 1878, per act of June 20, 1878 (Stat. 1877-'78, p. 229, sec. 1)	12 44	-----	-----
Oregon:			
William B. Barr, deputy surveyor, under contract of August 20, 1878, per act of June 20, 1878 (Stat. 1877-'78, p. 229, sec. 1)	4 28	-----	-----
William P. Wright, deputy surveyor, under contract of August 21, 1878, per act of June 20, 1878 (Stat. 1877-'78, p. 229, sec. 1)	2 41	-----	-----
Utah:			
A. D. Ferron, deputy surveyor, under contract of August 15, 1878, per act of June 20, 1878 (Stat. 1877-'78, p. 229, sec. 1)	121 70	523 74	300,000 00

NOTE.—The foregoing estimates are for deficiencies arising under limited contracts, the amounts submitted being in excess of the respective contracts caused by the respective surveyors general underestimating the cost of the work. The lands surveyed were included in the contracts, and the surveys having been approved and made available in the disposal of the lands so surveyed, the respective sums are submitted.

Survey of boundaries of Indian reservations.

California:
John A. Benson, deputy surveyor, under contract of November 14, 1876; submitted.

913 46

NOTE.—The above contract was for surveying the exterior boundaries of the Round Valley Indian Reservation in California, for which no appropriation is applicable. It was necessary, however, to have the boundaries of this Indian reservation surveyed in order to make the adjacent public lands available, and to keep white settlers from intruding on the reservation.

DEFICIENCIES—Continued.

No. 19.—Estimates of appropriations required for the service, &c.—Continued.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the fiscal year for which the appropriation is required
<i>Contingent expenses.</i>			
Office surveyor general of Idaho: To pay L. F. Cartee, late surveyor general of Idaho, for expenses incurred in investigating certain surveys under instructions from the General Land Office, dated November 19, 1868, being a deficiency for 1871 and prior years, per act of July 15, 1870 (16 Stat., p. 239, sec. 1)		\$299 94	\$2,000 00
NOTE.—The sum of \$299.94 is submitted to refund the expenses incurred in investigating certain surveys in the field under instructions from the Commissioner of the General Land Office, dated November 19, 1868, the contingent fund of the surveyor general's office not admitting at the time of liquidating the amount due him. This estimate was formerly submitted for appropriation, but not eventuating in any provision for the purpose, and the claim being a just one and of long standing, it is herewith again submitted, with recommendation that it receive favorable action.			
<i>Salaries.</i>			
Office of surveyor general of Arizona: To pay balance due John R. Farrell for services as chief clerk in the office of surveyor general during the quarter ending June 30, 1878, per act of March 3, 1877 (19 Stat., p. 315, sec. 1)		478 17	3,000 00
Surveyor general of California: For salaries of clerks and draughtsmen as follows: J. A. Robinson, chief clerk, for fourth quarter, \$625; J. H. Wildes, chief draughtsman, for fourth quarter, \$575; S. N. Bliven, accountant, for fourth quarter, \$500; R. C. Hopkins, keeper of archives, for fourth quarter, \$500; J. K. Carter, ranch clerk, for fourth quarter, \$450; D. F. O'Brien, clerk, for fourth quarter, \$39.23; Jennie B. Gagan, clerk, fourth quarter, \$135.16; H. S. Smith, clerk, for third and fourth quarters, \$337.26; Mrs. F. J. Page, clerk, for third and fourth quarters, \$251.76; Sallie E. Hosmer, clerk, for third and fourth quarters, \$241.90; Ellis Edwards, mineral clerk, for fourth quarter, \$222.48, and Theo. Reichert, mineral clerk, for fourth quarter, \$98.90; all of the fiscal year 1878, per act of March 3, 1877 (19 Stat., p. 315, sec. 1)		4,006 69	10,000 00
For explanation see note below.			
<i>Contingent expenses.</i>			
Office of surveyor general of Colorado: For balance due Wells, Fargo & Co., for rent of premises occupied as office of surveyor general during the quarter ending June 30, 1878, per act of March 3, 1877, (19 Stat., p. 349, sec. 1)		42 71	1,500 00
Office surveyor general of California: For balance due George Chambers for services as messenger, \$113.34; Dutton & Withington, stationery, \$29.45; J. L. Rice & Co., printing, \$18; Storm & Co., kindling wood, \$5; Frederick MacCrellich & Co., newspaper, \$4.50, and A. L. Bancroft & Co., stationery, \$308.75, during the quarter ending June 30, 1878, per act of March 3, 1877 (19 Stat., p. 349, sec. 1)		479 04	3,000 00
Office surveyor general of Nevada: For pay of messenger in surveyor general's office from July 1, 1876, to June 30, 1877, per act of July 31, 1876 (19th Stat., p. 122, sec. 1)	\$480 00		
For amount due A. L. Bancroft & Co. for stationery, per act of July 31, 1876 (19 Stat., p. 122, sec. 1)	68 75	548 75	1,500 00
For pay of messenger in surveyor general's office for June, 1878, \$39.60; A. L. Bancroft & Co., stationery, \$133; J. C. Hampton & Co., rent, \$180; J. C. Hampton & Co., merchandise, \$39.50, per act of March 3, 1877 (19 Stat., p. 349, sec. 1)		392 10	1,500 00
For balance due J. C. Hampton & Co. for rent during quarter ending June 30, 1879, per act of June 20, 1878 (Stat., 1877-78, p. 228, sec. 1)		152 31	1,500 00
Office surveyor general of New Mexico: For balance due messenger in surveyor general's office during quarter ending June 30, 1878, per act of March 3, 1877 (19 Stat., p. 349, sec. 1)		61 97	1,500 00

DEFICIENCIES—Continued.

No. 19.—*Estimates of appropriations required for the service, &c.*—Continued.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the fiscal year for which the appropriation is required.
For balance due messenger in surveyor general's office during quarter ending June 30, 1879, per act of June 20, 1878 (Stat., 1877-'78, p. 228, sec. 1)		\$22 95	\$1,500 00
<p>NOTE.—The foregoing deficiencies in salaries of clerks and contingent expenses of the several offices of surveyors general were caused by inadequate appropriations being made by Congress, the estimates submitted by this office being largely reduced. In the matter of salaries, it was necessary that the clerks mentioned in the foregoing estimates be retained, as their discharge would result in the virtual close of the offices of the surveyors general in which they were employed.</p>			
<i>Depredations on public timber.</i>			
For amount due Central Pacific Railroad Company for transportation furnished special agents General Land Office engaged in making investigations of depredations on public timber, per act of March 3, 1877 (19 Stat., p. 349, sec. 1)		106 00	5,000 00
For amount due Central Pacific Railroad Company for transportation furnished special agents General Land Office while engaged in making investigations of depredations on public timber, per act of June 20, 1878 (Stat., 1877-'78, p. 229, sec. 1)		31 00	25,000 00
<i>Contingent expenses General Land Office.</i>			
For amount due Union Pacific Railroad Company for transportation furnished special agents General Land Office, per act of June 20, 1874 (18 Stat., p. 105, sec. 1)		77 50	30,000 00
<p>NOTE.—The foregoing sums are found to be due to the Central and Union Pacific Railroad Companies for transportation furnished special agents of the General Land Office, and in order to enable the Secretary of the Treasury to carry the amounts to the credit of the proper fund as provided by section 2 of the act of Congress approved May 7, 1878 (<i>vide</i> pamphlet of laws, 1877-'78, page 58), the amounts are herewith submitted for appropriation.</p>			
Total		21,412 18	

DEPARTMENT OF THE INTERIOR,
General Land Office, September 30, 1879.

J. M. ARMSTRONG,
Acting Commissioner.

No. 20.—Historical and statistical table of the United States and Territories, showing the area of each in square miles and in acres; the date of organization of Territories; date of admission of new States into the Union; and the population of each State and Territory at the taking of the last census in 1870.

Civil divisions.	Act organiz- ing Terri- tory.	United States Statutes.		Act admitting State.	United States Statutes.		Area of the States and Territories.		Number of acres surveyed up to June 30, 1879.	Area remaining unsurveyed on the 30th June, 1879.	Population in 1870.
		Vol.	Page.		Vol.	Page.	In square miles.	In acres.			
THE THIRTEEN ORIGINAL STATES.											
New Hampshire.....							9,280	5,939,200			318,300
Massachusetts.....							7,800	4,992,000			1,457,351
Rhode Island.....							1,306	835,840			217,353
Connecticut.....							4,750	3,040,000			537,454
New York.....							47,000	30,080,000			4,382,759
New Jersey.....							8,320	5,324,800			906,096
Pennsylvania.....							46,000	29,440,000			3,521,951
Delaware.....							2,120	1,356,800			125,015
Maryland.....							11,124	7,119,360			780,894
Virginia.....							38,348	24,542,720			1,225,163
North Carolina.....							50,704	32,450,560			1,071,361
South Carolina.....							34,000	21,760,000			705,666
Georgia.....							58,000	37,120,000			1,184,109
STATES ADMITTED.											
Kentucky.....				Feb. 4, 1791	1	189	37,680	24,115,200			1,321,011
Vermont.....				Feb. 18, 1791	1	191	10,212	6,535,680			330,551
Tennessee.....				June 1, 1796	1	491	45,600	29,184,000			1,258,520
Maine.....				Mar. 3, 1820	3	544	35,000	22,400,000			626,915
Texas.....				Dec. 29, 1845	9	108	274,356	175,587,840			818,579
West Virginia.....				Dec. 31, 1862	12	683	23,000	14,720,000			442,014
PUBLIC LAND STATES AND TERRITORIES.											
States.											
Ohio.....				Apr. 30, 1802	2	173	39,964	25,576,960	25,576,960		2,665,260
Louisiana.....	Mar. 3, 1805	2	331	Apr. 8, 1812	2	701	41,346	26,461,440	25,232,044	1,229,396	726,915
Indiana.....	May 7, 1800	2	58	Dec. 11, 1816	3	399	33,809	21,637,760	21,637,760		1,680,637
Mississippi.....	Apr. 7, 1798	1	549	Dec. 10, 1817	3	472	47,156	30,179,840	30,179,840		827,922
Illinois.....	Feb. 3, 1809	2	514	Dec. 3, 1818	3	536	55,414	35,465,093	35,465,093		2,539,691
Alabama.....	Mar. 3, 1817	3	371	Dec. 14, 1819	3	608	56,722	32,462,115	32,462,115		996,992
Missouri.....	June 4, 1812	2	743	Mar. 2, 1824	3	645	65,370	41,836,931	41,836,931		1,721,295
Arkansas.....	Mar. 2, 1819	3	493	June 15, 1836	5	50	52,202	33,410,063	33,410,063		484,471
Michigan.....	Jan. 11, 1805	2	309	Jan. 26, 1837	5	144	56,451	36,128,640	36,128,640		1,184,059
Florida.....	Mar. 30, 1822	3	654	Mar. 3, 1845	5	742	59,288	37,931,520	30,151,946	7,779,574	187,748
Iowa.....	June 12, 1838	5	235	Mar. 3, 1845	5	742	55,045	35,228,800	35,228,800		1,194,020
Wisconsin.....	Apr. 20, 1836	5	10	Mar. 3, 1847	9	178	53,924	34,511,360	34,511,360		1,054,670

No. 20.—Historical and statistical table of the United States and Territories, &c.—Continued.

divisions.	Act organis- ing Terri- tory.	United States Statutes.		Act admitting State.	United States Statutes.		Area of the States and Territories.		Number of acres surveyed up to June 30, 1879.	Area remaining unsurveyed on the 30th June, 1879.	Population in 1870.
		Vol.	Page.		Vol.	Page.	In square miles.	In acres.			
PUBLIC LAND STATES AND TERRITORIES— Continued.											
States—Continued.											
California				Sept. 9, 1850	9	452	157, 801	100, 992, 640	47, 979, 543	53, 013, 097	560, 247
Minnesota	Mar. 3, 1849	9	403	Feb. 26, 1857	11	166	83, 531	53, 459, 840	39, 536, 940	13, 922, 900	439, 706
Oregon	Aug. 14, 1848	9	323	Feb. 14, 1859	11	383	95, 274	60, 975, 360	21, 913, 612	39, 061, 748	90, 923
Kansas	May 30, 1854	10	277	Jan. 29, 1861	12	126	80, 891	51, 776, 240	51, 770, 240	.....	364, 399
Nevada	Mar. 2, 1861	12	209	Mar. 21, 1864	13	30	112, 090	71, 737, 600	12, 372, 308	59, 365, 292	42, 491
Nebraska	May 30, 1854	10	277	Feb. 6, 1867	14	391	75, 995	48, 636, 800	40, 715, 571	7, 921, 229	122, 993
Colorado	Feb. 28, 1861	12	172	{	{	{	104, 500	66, 880, 000	23, 354, 523	43, 525, 477	39, 864
	Mar. 3, 1875	18	474								
Territories.											
Wyoming	July 25, 1868	15	178	.....	.....	.....	97, 883	62, 645, 120	9, 079, 186	53, 565, 934	9, 118
New Mexico	Sept. 9, 1850	9	446	.....	.....	.....	121, 201	77, 568, 640	8, 843, 890	68, 724, 750	91, 874
Utah	Sept. 9, 1850	9	453	.....	.....	.....	84, 476	54, 064, 640	9, 341, 375	44, 723, 265	86, 786
Washington	Mar. 2, 1853	10	172	.....	.....	.....	69, 994	44, 796, 160	14, 786, 403	30, 059, 757	23, 955
Dakota	Mar. 2, 1861	12	239	.....	.....	.....	150, 932	96, 596, 480	22, 626, 770	73, 969, 710	14, 181
Arizona	Feb. 24, 1863	12	664	.....	.....	.....	113, 916	72, 906, 240	5, 499, 353	67, 406, 887	9, 658
Idaho	Mar. 3, 1863	12	808	.....	.....	.....	86, 294	55, 228, 160	6, 933, 429	48, 294, 731	14, 999
Montana	May 26, 1864	13	85	.....	.....	.....	143, 776	92, 016, 640	11, 062, 551	80, 954, 089	20, 595
Alaska	July 27, 1868	15	240	.....	.....	.....	577, 390	369, 529, 600	.....	369, 529, 600	(*)
Indian Territory .....	.....	.....	.....	.....	.....	.....	68, 991	44, 154, 240	27, 003, 990	17, 150, 250	(*)
District of Columbia	July 16, 1790	1	130	{	{	{	60	38, 400	.....	.....	131, 700
	Mar. 3, 1791	1	214								
Total							3, 580, 266	2, 291, 371, 322	734, 591, 236	1, 080, 197, 686	38, 558, 371

* No census taken.

NOTES.

Boundaries.—Commencing at $54^{\circ} 40'$ north latitude, ascending Portland Channel to the mountains, following their summits to 141° west longitude; thence north on this line to the Arctic Ocean, forming the eastern boundary. Starting from the Arctic Ocean west, the line descends Behring Strait, between the two islands of Krusenstern and Rotmanhoff, to the parallel of $65^{\circ} 30'$, and proceeds due north, without limitation, into the same Arctic Ocean. Beginning again at the same initial point, on the parallel of $65^{\circ} 30'$; thence in a course southwest, through Behring Strait, between the island of Saint Lawrence and Cape Choukotski, to 172° west longitude; and thence southwesterly, through Behring Sea, between the islands of Alton and Copper, to the meridian of 193° west longitude, leaving the prolonged group of the Aleutian Islands in the possessions now transferred to the United States, and making the western boundary of our country the dividing line between Asia and America.

The land surface of the United States, 3,580,266 square miles, when increased by the water surface of the great lakes and rivers, gives a total area to the United States of about 4,000,000 square miles.

The areas of the thirteen original States, and of States admitted as well as of States and Territories over which the public surveys have not yet been completed, are taken from geographical authorities.

The population of the United States, as shown by the ninth census, taken, in accordance with Constitutional requirements, in 1870, was 38,558,371, to which, if added the number of "Indians not taxed," would give a true population of 38,925,593.

Colorado.—Duly admitted as a State into the Union by proclamation of the President August 1, 1876 (Statutes at Large, pamphlet 1875-'76, page 7).

Alaska.—The act of 1868 merely extends the laws of the United States relating to customs, commerce, and navigation over this Territory ceded by Russia, giving to the courts of California, Oregon, and Washington Territory jurisdiction of offenses under this act. The public land system has not yet been extended over the Territory of Alaska.

Indian Territory.—This Territory is attached to the western judicial district of Arkansas. (See act of Congress approved June 30, 1834. Statutes at Large, vol. 4, p. 729.)

Washington City, in the District of Columbia, is the political capital of the United States; is situated on the left bank of the Potomac River between two small tributaries—the one on the east called the Eastern Branch and the one on the west called Rock Creek, the latter separating it from Georgetown, which is also embraced within the limits of the District of Columbia, which is under the direct control of Congress. This territory, which formerly embraced the city of Alexandria, was ceded by the States of Maryland and Virginia to the general government. By act of July 9, 1846, the cession of Virginia was retroceded.

Letter of explanation in support of an estimate of \$40,000 submitted by surveyor general of California for an appropriation for clerk hire for 1881.

SURVEYOR GENERAL'S OFFICE, CALIFORNIA,
San Francisco, June 18, 1879.

SIR:

For compensation of clerks and draughtsmen, \$20,000.

This amount is really necessary for a proper performance of the duties of the office, which include the very large correspondence; the explanation of difficult points in surveying, often requiring the examination of authorities and previously executed surveys; making out contracts, instructions, copies of field notes, copies of notes and sketches for deputy surveyors; the examination of field notes of surveys made under appropriation; the platting of about 200 original maps, most of which are very complicated, owing to the mountainous character of the country, the closing of the subdivision lines upon the irregular boundaries of private land grants and mining claims, and errors discovered in former surveys; preparing duplicate copies of maps and field notes, making amendments to maps and notes; keeping the accounts of special deposits by individuals during the year, and preparing and keeping the accounts of employes on work done under the appropriation.

Much of the time of the employes is consumed in properly taking care of the large number of maps, records, and public documents, which, under the law, are subject to public inspection by any citizen, thereby requiring at least one competent and trustworthy person to attend to the daily applications for access to them.

The foregoing enumerates but a portion of the regular work of the office, which, by reason of insufficient appropriations in the past, is largely in arrears; while the surveys in this State are approaching that stage of completion which not only enormously increases it, but renders it much more difficult as well.

For bringing up arrears of office work, \$20,000.

This estimate is based upon the following facts:

(a) There are to be compiled 50 original maps of swamp and overflowed lands, claimed by the State of California under the act of July 23, 1866.

(b) There are to be made 200 lists of swamp lands besides.

(c) Copies of swamp land maps.

The clearing of title to much valuable land should be a sufficient incentive to the early completion of this work. Like the private land claims in this State, the swamp lands have aided many men in wrongfully holding lands which in right and justice are the property of the United States.

(d) There are to be amended a large number of township maps on account of final surveys of mines, which change the areas of the adjacent agricultural lands; this embraces about 1,000 mines.

(e) Descriptive notes and diagrams should be prepared, showing suspensions of public lands on account of private land claims.

(f) Old maps of public surveys, worn out by frequent use and reference, to be reproduced.

(g) There are 270 copies of township maps to be made for the local land offices, as required by paragraph 4, section 2223 of the Revised Statutes.

(h) Field notes of 1,800 subdivisions of townships to be copied for the several local land offices, in accordance with section 2223, of Revised Statutes.

It is very desirable that this work be done as expeditiously as possible, as county surveyors in distant parts of the State can then have easy access to the notes, farmers and settlers can apply to their local land offices for the notes of the section in which they are located, and much business may thus be thrown to the land offices, which now comes to this, taking up its time with searching for notes, answering letters relative to corners, &c.

As the work in arrears cannot be done in a year economically, I have placed the estimate at \$20,000, in order that the work may be proceeded with steadily until completed.

Very respectfully, your obedient servant,

THEO. WAGNER,
United States Surveyor General.

HOB. J. A. WILLIAMSON,
Commissioner General Land Office, Washington, D. C.

REPORTS
OF THE
UNITED STATES SURVEYORS GENERAL
FOR THE
FISCAL YEAR ENDING JUNE 30, 1879.

DESIGNATED BY LETTERS A TO P INCLUSIVE.

A.—Report of the surveyor general of Arizona.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Tucson, Ariz., August 20, 1879.

SIR: In compliance with General Land Office instructions of date April 21, 1879, I have the honor to submit herewith, in duplicate, my annual report of surveying operations within this district for the fiscal year ending June 30, 1879.

Tabular statements, in duplicate, showing extent and locality of surveys, and also the expenditures of this office, accompany the report, as follows:

- A.—Statement of contracts entered into for year ending June 30, 1879.
- B 1.—Statement of account of apportionment for public surveys.
- B 2.—Statement of fund created by individual depositors for public surveys.
- B 3.—Statement of apportionment for the survey of confirmed private land claims.
- C.—Statement of account of appropriations for salaries and incidental expenses.
- D.—Statement of account of individual deposits for office work.
- E.—Statement of plats made.
- F.—Statement of miles surveyed.
- G.—Statement of mining and mill site claims surveyed.
- H.—Statement of lands surveyed.
- I.—Estimates for year ending June 30, 1881.

PRIVATE LAND CLAIMS.

The late regular session of Congress appropriated money whereby title to these claims can be properly investigated and reported upon in accordance with law, and the funds thereof from you, steps were taken to properly provide this office for this work. July 1 public notice was given to the effect that the office would be prepared to receive and file title papers to this class of lands and evidence in their support, and to favorably enter upon the examination on and after August 15, but finding it impossible to procure all needed laws and suitable clerical help by that day, I postponed, by public notice, the time first named until September 1 next, at which date the business will be regularly opened and continued from day to day with as much dispatch as is consistent with accuracy and compliance with law and instructions. It affords me pleasure to say that by your aid this office is supplied with necessary means to make rapid progress, and such progress will be made if claimants promptly present their titles, proofs, &c., in accordance with your department instructions of January 9, 1877.

This work has been too long delayed, but this office was not so provided as to enter upon it at an earlier day, in accordance with the reasonable expectations of Congress or your office, to say nothing of justice to myself as an officer. The law under which the duty was imposed upon this office was approved July 15, 1870. It provided that the duty should be performed under instructions, and, for reasons satisfactory to the department, such instructions were not issued for six and one-half years thereafter, and when received by me, as before stated, this office was in no proper sense provided with means to make thorough examinations and reliable reports, and any other would have worked injustice to claimants, the government, and myself.

SURVEY OF INDIAN RESERVATIONS.

Nothing has been done in this respect during the past fiscal year, except to conduct some correspondence with different officers of the government regarding the necessity of a survey of the White Mountain or San Carlos Reservation, the possibility of locating some part of the boundary by public land surveys, and touching the question of where it should be established so as best to subserve the large public and private interests within or near it. It is not an exaggeration to say that until a boundary is run and substantially and plainly marked on the ground, there is great danger of a breach of the peace between the settlers and Indians, and should such a misfortune occur, it would result in incalculable injury and loss to individual settlers, a large extra expense to government, and a loss of more or less lives of citizens, troops, and Indians. With the boundary established as indicated, the danger of such sad and costly results would be largely reduced, if not wholly removed.

PUBLIC LAND SURVEYS.

Under the restrictive provisions of the appropriation acts for the past few years, and your instructions for the present fiscal year, there is but little surveyable agri-

cultural land unsurveyed in Arizona, and it is in small and widely separated tracts, so that at the low rates allowed for survey of such lands it may be said that without a change, and necessary change, too, in the law in this particular, but little more agricultural land can be surveyed within this district, and yet hundreds of settlers are making homes for stock and agricultural purposes on the unsurveyed land. Thus far it has been only by the utmost care that considerable settlements could be surveyed without including some lands not lawfully surveyable, and undoubtedly small areas of such lands have been surveyed, although never intentionally included in a contract.

This district contains 72,906,240 acres of land, according to departmental estimates (in 1868), and to date there have been surveyed but 4,707,214 acres, which amount will be swelled to about 5,000,000 by work now under contract. This shows less than one-fourteenth surveyed, and yet under existing legislation nearly all the remainder, save mineral land and timber land not mineral, is unsurveyable. By far the larger portion of the land grows grass which will maintain and fatten horses, cattle, and sheep throughout the whole year. It is true that much of it is destitute of surface water, but it is nevertheless attracting attention of energetic pioneers, who are surprised to learn that in addition to the cost of developing water they must pay for surveys or be deprived of them, and the procurement of title be indefinitely deferred. While this class of land has a present value, and may be given much greater value, it never can be worth what the swamp and overflowed lands are, and yet the latter are surveyed and given away, and the former are refused survey by Congress and held at \$1.25 and \$2.50 per acre. It needs no argument to convince any sane person of the necessity of a change in the law as applied to surveys and sales of pasturage lands. To say the least, township lines should be extended over all of it (and also over mineral land), the price per acre reduced, and the quantity purchasable from government largely increased.

GENERAL PROGRESS.

It is almost needless to speak of the rapid progress made in actual settlement, development, and improvement in Arizona within one year past, for the press of the country at large has informed the public in these respects. These elements of advancement are steadily increasing. The success that has attended mining in this district has been large, and such as to turn much capital and many competent miners from other fields to this.

Since last November, 160 miles of an overland railroad have been built and operated within the Territory, and an immense amount of material is at the end of the line with which to extend it near to, if not entirely into, New Mexico, with its western termini at San Francisco, Santa Monica, and Wilmington, on the Pacific Ocean; and within two years its eastern termini will be at several points on the Gulf of Mexico, with direct connections through New Mexico with all the important Western, Northern, and Northeastern cities of the Union.

Very respectfully, your obedient servant,

JOHN WASSON,
Surveyor General

Hon. J. A. WILLIAMSON,
Commissioner General Land Office, Washington, D. C.

A.—Statement of contracts entered into by the surveyor general of Arizona with deputy surveyors, for the survey of public lands in Arizona during the fiscal year ending June 30, 1879.

Name of deputy surveyor.	Date of contract.	Description work.	Meridian.	Amount of contract.	Amount returned.	Amount audited.
John L. Harris.....	July 29, 1878	Survey non-mineral land covered with timber of commercial value in vicinity of the San Francisco Mountains.	Gila and Salt River	\$6,000 00	\$6,358 39	\$6,000 00
William A. Hancock...	Oct. 17, 1878	Survey of township covering Sunflower and Ram Valleys.....	.....do	700 00	589 48	589 48
Herbert R. Patrick	Feb. 28, 1879	Survey surveyable portions of townships containing claims of A. S. Hooker, William Conn, and Walter Miller.	.....do	249 99	251 52	251 52

B1.—Statement of account of apportionment for surveys of public lands in Arizona during the fiscal year ending June 30, 1879.

Date of account.	In favor of—	Date of contract.	Amount.	Date.	On account of—	Amount.
Dec. 30, 1878	John L. Harris.....	July 29, 1878	\$6,000 00	July 13, 1878	Apportionment for survey of public lands in Arizona during the fiscal year ending June 30, 1879	\$6,000 00
			6,000 00			6,000 00

B2.—Statement of account of funds deposited by individuals for the survey of public lands in Arizona during the fiscal year ending June 30, 1879.

Date of account.	In favor of—	Date of contract.	Amount.	Date.	On account of—	Amount.
Feb. 17, 1879	William A. Hancock	Oct. 17, 1878	\$589 48	Oct. 16, 1878	Deposits made by B. F. Crawford, David Balz, Stephen Thorn, and Joseph J. Stein, being \$175 each, for the survey of township covering Sunflower and Ram Valleys.....	\$706 00
Feb. 18, 1879	B. F. Crawford		27 63			
Feb. 18, 1879	David Balz		27 63			
Feb. 18, 1879	Joseph J. Stein		27 63			
Feb. 18, 1879	Stephen Thorn		27 63			
May 13, 1879	Herbert R. Patrick	Feb. 28, 1879	249 99	Mar. 3, 1879	Deposits made by Alonzo S. Hooker, William Conn, and Walter Miller for the survey of townships covering their claims, vide contract of February 28, 1879.....	249 99
			949 99			949 99

B3.—Statement of account of apportionment for survey of confirmed private land claims in Arizona during the fiscal year ending June 30, 1879.

Date of account.	In favor of—	Date of contract.	Amount.	Date.	On account of—	Amount.
June 30, 1879	Unexpended balance.....		\$2,000 00	July 13, 1878	Apportionment for the survey of confirmed private land claims in Arizona by the Secretary of the Interior out of the appropriation of \$300,000 made June 20, 1878 (unavailable)	\$2,000 00
			2,000 00			2,000 00

C.—Statement of the account of the appropriations for the salary of the surveyor general of Arizona, for clerks in his office, and for incidental expenses, for the fiscal year ending June 30, 1879.

Dr.

Cr.

Date.	Account.	Amount.	Date.	Appropriation.	Amount.
June 30, 1879	To amount paid John Wasson for services as surveyor general	\$2,750 00	June 19, 1878	By appropriation for compensation of surveyor general of Arizona	\$2,750 00
June 30, 1879	To amount paid clerk and draughtsman	2,929 64	June 19, 1878	By appropriation for compensation of clerks in his office	3,000 00
June 30, 1879	To amount of incidental expenses	1,466 90	June 20, 1879	By appropriation for incidental expenses of office	1,500 00
June 30, 1879	To balance of appropriation for clerk hire	70 36			
June 30, 1879	To balance of appropriation for incidental expenses	33 10			
		7,250 00			7,250 00
			June 30, 1879	Unexpended balance....	103 46

D.—Statement of account of fund created by individual depositors for expenses of office work, case of survey public lands in Arizona, during the fiscal year ending June 30, 1879.

Dr.

Cr.

Date.	Account.	Amount.	Date.	Account.	Amount.
June 30, 1879	To amount paid mining clerk and draughtsman during fiscal year	\$1,070 36	June 30, 1878	By balance of fund on hand	\$1,401 30
Aug. 10, 1878	To balance of deposit withdrawn by A. E. Davis, agent, &c	40 00	June 30, 1879	By amount of deposits made during fiscal year ending this date.....	1,180 00
June 30, 1879	To unexpended balance	1,470 94			
		2,581 30			2,581 30
			June 30, 1879	Unexpended balance....	1,470 94

E.—Statement of plats made in the surveyor general's office, Arizona, during the fiscal year ending June 30, 1879.

Description.	Original.	Department.	Register.	Claimant.	Totals.
Plats of standard and township lines.....	3	3	.....	.....	6
Plats of section lines.....	13	13	13	.....	39
Plats of mining and mill-site claims.....	25	.....	25	50	100
Totals.....	41	16	38	50	145

F.—Statement of number of miles surveyed in Arizona during the fiscal year ending June 30, 1879.

Name of deputy surveyor.	Date of contract.	Base.	Meridian.	Standard.	Township.	Section.	Traverse.	Meander.	Reservation exteriors.	Private land claims.
		<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>
John L. Harris.....	July 29, 1878			27 40 00	104 32 64	489 21 18				
William A. Hancock.....	Oct. 17, 1878			6 00 00	29 77 18	53 23 14				
Herbert R. Patrick.....	Feb. 28, 1878				8 40 00	32 00 23				
Totals.....				33 40 00	142 69 82	514 44 55				
Surveyed previous to June 30, 1878.....		55 78 53	57 48 15	820 44 50	3,772 71 84	11,638 39 26	19 77 60	158 13 44	203 38 48	49 68 84
Total surveyed to June 30, 1879.....		55 78 53	57 48 15	854 04 50	3,915 61 66	12,213 03 81	19 77 60	158 13 44	203 38 48	49 68 89

G.—Statement of the surveys of mining and mill-site claims in Arizona for the fiscal year ending June 30, 1879.

Date of survey.	Designation of claim.	Location.	Character.	Claimants.	Area.	Amount of deposit.
July 16, 1878	Globe.....	Pinal County.....	Copper.....	B. W. Reagan.....	20.64	\$40 00
July 16, 1878	Globe Ledge.....	do.....	do.....	do.....	20.24	40 00
July 29, 1878	May Bean Mill Site.....	Yavapai County.....	Non-mineral.....	May Bean Mining Company.....	5.00	40 00
Aug. 16, 1878	Storm Cloud.....	do.....	Gold and silver.....	F. W. Williams.....	20.66	40 00
Aug. 12, 1878	Homestake.....	do.....	do.....	Nathaniel Ross.....	20.66	40 00
Aug. 12, 1878	Homestake Mill Site.....	do.....	Non-mineral.....	do.....	5.00	40 00
Oct. 22, 1878	Ostreich Mill Site.....	Pima County.....	do.....	J. C. Handy.....	3.67	40 00
Sept. 25, 1878	Continental.....	Pinal County.....	Copper and silver.....	Seth Marshall, jr.....	20.66	40 00
Sept. 25, 1878	Continental Mill Site.....	do.....	Non-mineral.....	do.....	5.00	40 00
Nov. 1, 1878	Contention.....	Pima County.....	Gold, silver, &c.....	Western Mining Company.....	20.66	40 00
Dec. 12, 1878	Chromo.....	Pinal County.....	Silver.....	M. Trout and D. G. Beardslee.....	18.77	40 00
Mar. 6, 1879	Belcher.....	Yavapai County.....	Gold and silver.....	John A. Rush.....	20.66	40 00
Mar. 7, 1879	Ticonderoga.....	do.....	do.....	do.....	20.66	40 00
Apr. 5, 1879	Head Centre.....	Pima County.....	do.....	M. Katz, J. C. Handy, et al.....	3.17	40 00
Apr. 5, 1879	Yellow Jacket.....	do.....	do.....	do.....	2.87	40 00
May 17, 1879	Magee Mill Site.....	do.....	Non-mineral.....	John E. Magee.....	5.00	40 00
May 17, 1879	Mills.....	do.....	Gold, silver, &c.....	do.....	20.35	40 00
May 17, 1879	Dayton.....	do.....	do.....	do.....	20.66	40 00
May 17, 1879	Bonanza.....	do.....	do.....	Thomas Davis.....	17.97	40 00
May 30, 1879	Missouri.....	do.....	do.....	J. B. Waller.....	20.40	40 00
May 30, 1879	General Craig.....	do.....	do.....	do.....	20.66	40 00
May 30, 1879	Tezium.....	do.....	do.....	do.....	29.31	40 00
May 30, 1879	Whilden.....	do.....	do.....	do.....	20.66	40 00
May 22, 1879	Lucky Chan.....	do.....	do.....	Corbin Mill and Mining Company.....	20.56	40 00
May 29, 1879	Tough Nut.....	do.....	do.....	Tombstone Mill and Mining Company.....	20.66	40 00

H.—List of lands surveyed in Arizona during the fiscal year ending June 30, 1879.

Description.	Meridian.	Public lands.	River land.	Unsurveyed lands.
Township 20 north, range 4 east.....	Gila and Salt River ..	7, 045. 63	.....	15, 994. 37
Township 20 north, range 5 east.....	.....do.....	21, 062. 36	.....	1, 977. 64
Township 20 north, range 6 east.....	.....do.....	22, 334. 74	.....	640. 00
Township 20 north, range 7 east.....	.....do.....	22, 982. 73	.....	.....
Township 21 north, range 3 east.....	.....do.....	22, 390. 40	.....	640. 00
Township 21 north, range 4 east.....	.....do.....	23, 028. 62	.....	.....
Township 21 north, range 5 east.....	.....do.....	21, 909. 14	.....	1, 120. 00
Township 21 north, range 6 east.....	.....do.....	22, 396. 07	.....	640. 00
Township 21 north, range 7 east.....	.....do.....	21, 903. 86	.....	1, 120. 00
Township 6 north, range 9 east.....	.....do.....	20, 250. 39	.....	2, 720. 00
Township 6 north, range 8 east.....	.....do.....	4, 640. 00	.....	18, 400. 00
Township 7 north, range 8 east.....	.....do.....	2, 240. 00	.....	20, 800. 00
Township 7 north, range 9 east.....	.....do.....	5, 432. 52	.....	17, 607. 48
Total .....	.....	217, 616. 46	.....	81, 659. 49
Area of mining and mill-site claims surveyed during fiscal year .....	.....	395. 55	.....	.....
Amount previously returned.....	.....	4, 489, 202. 31	1, 906. 89	714, 792. 00
Grand total of land surveyed in Arizona.....	.....	4, 707, 214. 32	1, 906. 89	796, 451. 49

*I.—Estimates for surveying-service in Arizona for the fiscal year ending June 30, 1881.*UNITED STATES SURVEYOR GENERAL'S OFFICE,
Tucson, Ariz., July 10, 1879.

SIR: In accordance with your Circular E, of date April 21, 1879, I respectfully submit estimates for the surveying service in this district for the fiscal year ending June 30, 1881, viz:

For survey of timber and agricultural lands	\$12, 000 00
For incidental expenses of office	1, 500 00
For salary of surveyor general.....	2, 750 00
For clerks in his office	3, 000 00

Total for ordinary service.....	19, 250 00
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FOR PRIVATE LAND CLAIM SERVICE.

To enable this office to continue the execution of duties imposed by proviso to appropriation act of July 15, 1870, as per instructions regarding examination of titles to private land claims and reports thereon, viz:

For incidental expenses.....	\$500 00
For clerk versed in English and Spanish	2, 500 00
For survey of private land claims	8, 000 00

Total for private land claim service	11, 000 00
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The sums estimated have been carefully considered in connection with the necessities of the service and demands of the public for the period named, and are regarded indispensably necessary to the efficient performance of the duties of this office.

Township lines should be extended over all pasturage and mineral lands for obvious reasons, but, inasmuch as it has been the policy of Congress for the past few years to not provide for such surveys, no estimates are submitted therefor.

There are no arrears of work in this office.

I have somewhat delayed the transmission of these estimates to receive replies to inquiries made some time since regarding the areas of surveyable timber and agricultural lands under present legislation.

Very respectfully, your obedient servant,

JOHN WASSON,
Surveyor General.

Hon. J. A. WILLIAMSON,
Commissioner General Land Office, Washington, D. C.

B.—Report of the surveyor general of California.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
San Francisco, Cal., August 29, 1879.

SIR: I have the honor to submit in duplicate the annual report of this office in relation to the surveying service in California during the fiscal year ending June 30, 1879.

I also forward in duplicate tabular statements as follows:

A.—Statement of contracts entered into by the United States surveyor general for California with deputy surveyors, for surveys of public lands during the fiscal year 1878-79, payable from the appropriation for the fiscal year.

A A.—Statement of contracts entered into by the United States surveyor general for California, with deputy surveyors for surveys of public lands, payable from the appropriations for the fiscal year ending June 30, 1880, as per act of Congress approved March 3, 1879.

B.—Statement of contracts entered into by the United States surveyor general for California with deputy surveyors, for surveys of public lands during the fiscal year 1878-79, payable from private deposits made in conformity with the acts of May 30, 1862, and March 3, 1871.

B B.—Statement of contracts entered into by the United States surveyor general for California with deputy surveyors, for surveys of private land claims during the fiscal year ending June 30, 1878, payable from the appropriation for the fiscal year ending June 30, 1879.

C.—Statement of surveys of mines in California during the fiscal year 1878-79, made in conformity with the act of Congress approved May 10, 1872.

D.—Statement showing the number of miles surveyed in California to June 30, 1879.

E.—List of lands surveyed in California from July 1, 1878, to June 30, 1879.

F.—Statement showing plats made in the office of the United States surveyor general for California during the fiscal year 1878-79.

G.—Statements of transcripts of field notes of public surveys sent to the department at Washington from the office of the United States surveyor general for California during the fiscal year 1878-79.

H.—Statement of descriptive notes, decrees of court, &c., in the matter of the surveys of private land claims transmitted to the department at Washington during the fiscal year 1878-79.

I.—Statement of special deposits for the survey of public lands in California during the fiscal year 1878-79.

J.—Statement of special deposits for the survey of mining claims in California during the fiscal year 1878-79.

K.—Statement of account of appropriation for the survey of public land in California during the fiscal year 1878-79.

L.—Statement of account of appropriation for pay of messenger and incidental expenses of the office of the United States surveyor general for California for the fiscal year 1878-79.

M.—Statement of appropriation for the salary of the United States surveyor general for California for the fiscal year 1878-79.

N.—Statement of account of appropriation for compensation of clerks and draughtsmen in the office of the United States surveyor general for California for the fiscal year 1878-79.

N N.—Statement of account of appropriation for bringing up arrears in the office of the United States surveyor general for California during the fiscal year ending June 30, 1879, as per act of March 3, 1879.

O.—Statement of special individual deposits with the United States assistant treasurer at San Francisco during the fiscal year 1878-79, for compensation of clerks and draughtsmen in the office of the United States surveyor general for California.

P.—Statement of the special deposit account for the fiscal year 1878-79.

P P.—Statements of the accounts of deputies, &c., paid from appropriation for the survey of private land claims in California during the fiscal year 1878-79.

Q.—Estimate for the surveying service in the district of California for the fiscal year ending June 30, 1881.

R.—Statement of accounts for examination of surveys in the field, paid from the appropriation for the examination of surveys in the field in California during the fiscal year 1878-79.

R R.—Statement of accounts paid from the appropriation for "suppressing depredations upon timber on the public lands" during the fiscal year 1878-79.

THE PUBLIC LANDS.

About 2,000,000 acres of the public lands were surveyed in this district during the fiscal year, leaving about 41,000,000 acres unsurveyed.

Nearly all the lands now unsurveyed should be sectionized without restrictions as

to their character, and I respectfully recommend the removal of such restrictions for the following reasons:

Grazing and other lands are so intermingled that it is practically impossible to properly draw the line of demarcation. Under the present restrictions upon the classes of lands to be surveyed, small tracts of land must be left unsurveyed, thus causing the surveys to be made in a fragmentary way, which might be aptly styled a patchwork system. Under these restrictions there are many cases where the deputy cannot pursue his examination further than to the borders of the tract which falls within the restriction, while there may be, and often are, small tracts within the tracts so excluded, which are valuable for agricultural and other purposes, and which might be surveyed under existing laws.

In the natural course of the settlement of the country, these out of the way tracts are settled upon and surveyed, but pending such settlement it is frequently the case that the tracts in the vicinity, which have for a long time been surveyed and occupied, have undergone many changes in topography; the corners and witness trees of the old survey have been destroyed, and consequently the field-notes, which at one time would have served as a correct guide to the location of the lands, cannot be implicitly relied upon; thus a resurvey is rendered necessary. Errors committed in the field by deputies making these fragmentary surveys escape detection in this office until the additional surveys are made and the lines closed upon each other; but that detection may not occur until years after the first surveys have been accepted and approved.

In some cases these errors are of so serious a nature that an entire resurvey is rendered necessary. Prior to the discovery of the errors some of the tracts may have been disposed of, and a resurvey give rise to many complications besides litigation. These are not imaginary evils, but some with which this office has had to contend almost daily.

The restrictions in question have not resulted economically to the government in this district, as the resurveys necessitated thereby have more than offset any saving.

As the rectangular system of surveys depends for proof of its correctness upon its homogeneous completion, I deem it imperatively necessary to complete the survey of the standard and meridian lines as well as the township exteriors at as early a date as practicable, in order to avoid in future the serious errors resulting from the projection of these lines little by little.

The subdivision of townships into sections may then be proceeded with as the settlement of the country demands or as Congress may provide the means for, although it is desirable that it be done at as early a date as practicable.

Discoveries of mines in localities difficult of access and far removed from lines of travel and railroad communication frequently cause tracts of land adjacent thereto to be settled upon by a comparatively dense population. The timber in the neighborhood may be scattered and of an inferior quality, but a demand is created for it; being the best obtainable, it becomes valuable, and certainly the land on which it is situated should be surveyed. In such localities hay frequently sells for from \$50 to \$100 per ton. It will readily be seen that land which there produces with proper cultivation one-half a ton, or even less, to the acre is valuable and should be surveyed.

Frequently, through the invention of machinery, which permits the better utilization of some product of the soil not considered of commercial value, lands become valuable for the cultivation of that product. As an instance, I might cite the cotton gin, which converted cotton into an export staple, and by making its cultivation upon a large scale practicable and profitable as well, greatly enhanced the value of the land adapted to its growth.

Nearly every variety of climatic condition met with in the United States may be found in this State. A large portion of its valley lands, which until within a few years were considered fit only for grazing purposes, now support a considerable agricultural population. Modes of agriculture were discovered and applied successfully to lands formerly classed as worthless for agricultural purposes.

During the late war a large portion of the surveyed lands in the San Joaquin Valley could hardly have been given away on account of their presumed sterility, but a large portion of these lands has since been sold at from \$5 to \$10 per acre, and some portions lease at the rate of \$2 per acre, the wheat raised in that valley without irrigation forming an important item in the exports of this State.

The most worthless tract of land in this district, the Mojave Desert, was surveyed under Surveyor-General J. C. Hays, in 1856 and 1857.

It is a totally sterile plain, a large portion of which is 300 feet below the level of the sea, and no doubt was formerly a bay or portion of the ocean.

None but township lines should have been run over this tract, for the reason that it is thoroughly arid and can never support any appreciable population. A proper regard for the public interests should have demanded the survey of lands which could be made available for the wants of the people. Almost worthless as this land is, even some of its scant products are now being utilized. A species of cactus unfit, so far as known, for any other useful purpose, is now manufactured into a superior quality of

paper and as filling for mattresses. It is too thinly scattered over the desert, however, to justify the parties in purchasing the land from the government. Another drawback to this laudable industry is that it requires the erection of expensive machinery and the outlay of considerable capital, and while giving promise of becoming an important factor in our manufacturing interests under favorable conditions, is but little engaged in at present. In order to encourage this industry and to give parties engaging in it a reasonable assurance of a sufficient supply of the material to make the enterprise lucrative, I would recommend that Congress be requested to authorize the proper officer to lease such of these lands as may be desired for a term of years to any party wanting them; the lease to contain the provision that the lands are only leased for that particular purpose, and that nothing therein shall be considered as in any manner withdrawing the lands from settlement under the pre-emption and homestead laws.

Section 2401 of the Revised Statutes, which provides for surveys under the special deposit system upon the application of settlers, excepts mineral lands from its provisions. At the time this law was enacted, viz, May 30, 1862, the law provided that only township lines should be extended over mineral lands, and the clause excepting mineral lands from the provisions of the act of May 30, 1862, was obviously merely intended to bring that provision into harmony with then existing laws. The law in this respect was subsequently changed, however, by the act of July 9, 1870 (sec. 2406 R. S.), which specifically provided that the public surveys should extend over *all* mineral lands.

As surveys under the special deposit system are public and not private surveys, the act of July 9, 1870, in effect and by necessary implication repealed the restrictive clause of the act of May 30, 1862, or section 2401 of the Revised Statutes. Surveys under the special deposit system are made under the same laws and regulations as other public surveys, the difference in the systems being the mode of providing for the payment of the cost of the work.

This is the construction placed upon the laws by this office, but from a recent decision a different view seems to have been taken by your office.

The circular instructions of August 8, 1870, sixth subdivision, contain the following:

"By the sixteenth section the interdict placed by the act of March 3, 1853, that none other than township lines shall be surveyed when the lands are mineral, is repealed; this provision of law being referable to surveys in California only. The extension of the lines of future surveys over the lands mentioned in this section applies exclusively to that State; the requirements, however, that nothing herein contained shall require the survey of waste or useless lands is a principle of general application, and surveyors general will refrain from extending the lines of public surveys over such waste lands, *which are considered to be those covered by alkali to a depth calculated to prevent the growing of crops, moving sand, or other sandy plains of great extent, and abrupt or rocky mountains not known to contain mineral deposits.*"

This office has endeavored to apply the instructions above quoted, as well as those issued subsequently, to public surveys executed under its direction, whether they were paid for from the appropriations or from special deposits.

In none of the mining districts are all the lands mineral. The richer the mines and the more extensive the district, the larger the population, while the agricultural and other lands in the vicinity are rendered valuable by citizens who settle upon them with the desire of obtaining them as agricultural or timber lands. Most of the mining districts being in the mountains, but few are accessible by railroads or other cheap lines of communication. All kinds of produce when transported from a distance are thus rendered expensive, and consequently non-mineral lands in the vicinity, which in comparison of product with agricultural lands in more favored localities would be considered of little value, frequently bring a larger return in proportion to the amount of production.

It would be manifest injustice, and surely could not have been contemplated by the framers of the law, to deny an agricultural settler in a mineral district the privilege of having his land surveyed in order that he might obtain title thereto—a privilege so freely accorded to the settler in the non-mineral districts.

Although nearly all the lands in this district might be claimed as mineral, in but few places is the land more valuable for mining than for agricultural purposes.

The fourth, fifth, and sixth subdivisions of the circular of instructions of May 6, 1871, relating to the segregation of agricultural from mineral lands, recognize the rights and equities of agricultural claimants and the facts stated herein, and, furthermore, provide the ways and means for the said claimants to prove the non-mineral character of the tract he claims. Should it be held that the restriction in section 2401 of the Revised Statutes relative to mineral lands is not repealed by section 2406 of the Revised Statutes, but is still in force, I would recommend that the attention of Congress be called thereto, with a view to the removal of said restriction clause by legislation.

I would respectfully recommend that the provisions of section 2401 be extended to

persons entitled to enter lands under other laws than the pre-emption and homestead laws, there being in force in this district, in addition to these laws, the act of March 3, 1877, providing for the disposition of desert lands, and the act of June 3, 1878, providing for the disposition of lands chiefly valuable for timber. Very little of the timber land in this district is surveyed, the appropriations for the survey of public lands in this district being totally inadequate to carry these surveys forward as required. In the neighborhood of mines enormous quantities of timber are used, and unless surveyed there are no adequate means of protecting the timber lands from spoliation of all that renders them of any value. The timber lands should be surveyed, so that persons entitled to enter them under the law may obtain title. There is no danger that non-resident speculators might monopolize such lands under the law providing for the sale of timber lands, as, aside from the safeguards providing against that in the said law, they would be no better able to protect the lands from spoliation than the government is.

I believe that the public interest requires that all reasonable facilities be extended to persons who wish to legally acquire title to such lands as they may be entitled to under the law; and for this purpose I think it necessary for the provisions of section 2401 Revised Statutes to be extended to all legal claimants of the different lands, or that more ample appropriations be provided by Congress.

Public attention is being directed towards the hitherto comparatively neglected belt between the foothills and snow line of the Sierra. A recent editorial in the Evening Bulletin of this city contained the following sentence: "The future prosperity of the State is dependent not so much, perhaps, upon the broad wheat lands of the great valleys, as it is upon the utilization of the now neglected nooks and corners." This article called out so correct a description of the lands in the mountains from a correspondent of the Bulletin, that I feel constrained to quote from it in this report with a view to a clearer understanding of the necessity of full surveys in that region. Developments that have been made within the last two or three years in the Sierra above what passes for the foothill region, prove that there are not only "nooks and corners," but vast tracts of land of every diversity of size and condition, which are of great prospective value. There are thousands and thousands of acres of land sufficiently level to be farmed economically. The country is very much cut up, it is true, and a large percentage of the surface lies upon rocky precipices and in deep ravines, but there are many flat spurs and benches of the great ridges and many rich valleys scattered about which would cut up into handsome little ranches.

Deposits of most extraordinary depth and richness, having caught the drainage of the surrounding hills for ages, mixing decayed vegetable matter and native soil, and forming a black loam of great depth, are the rule, and it is safe to say that there is no part of the mountains, not actually above the snow line, which will not produce the finest vegetables. The higher ground has an immense advantage over the foothills in point of moisture. The source of supply is nearer, and the saving in transportation enormous. The soil holds the natural rainfall much better than the foothills, which are mostly of a gravelly character, and where the bed rock is nearer the surface. The loss in seepage, evaporation, &c., in the long ditches which carry water to the plains is very great, and the atmosphere absorbs it much faster when it is spread over the ground than it would when higher up. The climate of the western slope, even at the high altitude of six to eight thousand feet, is never very severe. The snowfall is heavy, but the cold is at no time intense, and although the spring is late, the sun is very hot for about three months in summer.

There are great tracts of land which have been cut over by lumbermen and wood-choppers, which could be utilized with very little labor, compared with some of the lands now being cleared in the Northwest. This land is fast becoming covered with a second growth of pine and fir, and almost impassable thickets of brush, and every year will add to the labor of reclaiming it. Still it will be done without a doubt, and the settlements gradually spread and grow, until after two or three generations there will be a numerous and valuable population in districts that are now considered useless except for timber.

Numerous instances could be cited of crops having been obtained without artificial irrigation, and there are no doubt thousands of acres of land at the mouths of cañons which would produce good crops, and could be depended upon with as much certainty as a great deal of the land in the Eastern States; and there are parties who believe that any of the land would, if plowed deep and summer fallowed, be as reliable as that in the San Joaquin Valley, if not more so. Even a failure the first year would prove nothing. The land would be in better condition the second year, and the chances more favorable in every way. If it should be found that this is the case, a very little capital would make a poor man a farm thero. There are great level valleys, free from timber, that can be fitted for the plow for two or three dollars an acre, with good markets near at hand, with good climate, good water near the surface, and everything necessary to wealth and prosperity within the reach of the industrious.

The lands in the hills and mountains in the southern portion of the State, although

not so valuable as those just described, afford a profitable industry to many in the keeping of bees and cultivation of small gardens. Much of this mountain land is adapted not only to the raising of fruits, which are becoming quite important articles of export by rail to the Eastern States, but to the requirements of an important factor in the prosperity of this State, the wine-growing interest, which is rapidly assuming proportions which give promise that California will ere long rank with the foremost wine-producing countries of the world. From one and a half million vines in 1856, the number has increased until we now possess from forty to forty-five million vines, showing an average plantation of nearly two millions per annum for a period of twenty-two years, or nearly 3,000 acres per year.

The vines in this State are owned by over four thousand proprietors, and it is computed that ten thousand persons, all adults, earn their livelihood and support their families through this one pursuit. From statistics it appears that the exports of wine from this State in 1878 amounted to 2,000,000 gallons, valued at \$1,300,000. During the first six months of the present year the exports reached 1,125,409 gallons of wine and 81,345 gallons of brandy, being a gain of 260,000 gallons over the first six months of the year 1878. Should this proportionate increase hold good for the remaining six months, the exports of this year will run over 2,600,000 gallons, or 1,000,000 gallons more than was received in the entire United States from France in 1877. When the good qualities of California wines have become more generally known, the vast quantities which are now almost invariably labeled and sold as French and German wines by unprincipled dealers, will be purchased on their own merits as wines of California. It should be borne in mind that the wine growers have for years had a hard struggle against lack of capital, high rates of interest, and foolish prejudice. The work of the first few years can be looked upon only as experimental, during which time more improvements have been made in the classes of machinery employed and methods of manufacturing than were introduced during the long years wine producing has been practiced in the countries of Europe.

The proverbial American ingenuity is well instanced here by the mechanical contrivances for the production of wine, the crushing and handling of grapes, and the storage of their products.

I sincerely believe that this industry should be encouraged by the general government, not alone for the good of the State of California, but for the United States as well, and this can be well done by opening the valuable lands of our State for settlement and improvement.

Most of the mountain lands are unsurveyed, and the small appropriations allowed this district, being totally inadequate to meet the requirements of the service, prevent the survey of more than a small fraction of the lands actually settled upon each year. I feel it incumbent upon me to reiterate the statements made in the annual report of this office for the fiscal year 1877-'78, to the effect that the policy of Congress in making such limited provision for the survey of the public lands in this district has operated injuriously to the best interests of the State and the smaller neighborhood communities. The occupants of unsurveyed lands are unable to obtain title thereto from the United States. The State of California passed laws to protect them in their possession until such time as the land might be lawfully acquired. Under these laws, however, it frequently occurs that a single individual is able to hold as against others seeking homes large tracts of thousands of acres of desirable land, which would furnish homes for a large number of families by simply fencing, using, and occupying the land. Of course, such a person does not want the land surveyed, and he will do all he can to prevent it, for as long as the land remains unsurveyed he can use and enjoy it, all without cost and without paying taxes thereon, but as soon as surveyed others can obtain a better title than mere possession to portions of it, and the occupant is restricted to what he can legally claim under the United States laws. The fact that the State passed the laws referred to shows that there must have been many settlements upon unsurveyed lands.

All the money which may be appropriated by Congress for surveys in this State is but in the nature of a temporary outlay which in a few months is returned to the Treasury in the purchase money paid for the lands. This is made clearer by an examination of the tabular statements in the Land Office Report for the fiscal year ending June 30, 1878. It appears from those statements that there were 535,975.13 acres of land disposed of in this district under the various laws, and that there was paid into the Treasury for these lands during the year the sum of \$456,773.92. The report gives the incidental expenses of sale as \$47,135.05. It also appears that during said year there were surveyed 1,498,608.82 acres. The appropriation for surveys in this district during that year was \$24,700; there was deposited by settlers the sum of \$13,190.90, and there was appropriated for the compensation of clerks and draughtsmen the sum of \$10,000 (which amount, through the necessities of the service, was exceeded by \$5,971.76), and for the salary of the surveyor general \$2,750, making an aggregate of \$36,612.66. From this it would seem that the total amount expended in this district in the survey, sale, and disposition of public lands during said fiscal year was

\$103,747.71, which deducted from the amount realized by the United States upon about one-half the quantity of the land surveyed, viz, \$456,773.92, leaves a net surplus in the Treasury from public lands in this district for that year of \$353,026.21.

While urging augmented appropriations for the surveying service in this district, I respectfully call attention to my letter to your office dated June 18, 1879, relative to amounts required during the fiscal year ending June 30, 1881, and to the tabular statement herewith, marked Q. I have placed the estimates for each branch of the service no higher than I consider the requirements of the service to demand and warrant. While reviewing a portion of these estimates I am induced to briefly state the duties of this office by the fact that from the debates in Congress it appears that the nature of the work and the amount performed by this office and the offices of the other surveyors general is but little known and appreciated.

I have estimated the amount required for the compensation of clerks and draughtsmen as \$20,000. This office is charged with the execution of the public surveys within this district. The field work is done by deputies under contract. Upon this office devolves the duty of laying out the work, assigning portions thereof to the different deputies, with necessary instructions and data for starting and closing points, and of generally watching over the work, which requires examinations in the field as well as in this office. After the return of the field notes of the work their correctness is tested by platting according to scale, and if there is reason to believe that the work has not been properly done, a field examination is ordered and made either by the surveyor general or his confidential agent. If the work is found to be correct, it is platted and approved and two copies of the plat and field notes made for transmission to the General Land Office and the local land office. With the copy sent to the General Land Office the account of the deputy for the work performed by him is sent. The deputy is required to report in his field notes all prominent or important topographical features. His reports are compared with the topographical reports of deputies, upon whose surveys he closes, and it is thus rendered extremely difficult for mistakes to escape discovery, or for deputies to impose upon this office work unfaithfully executed.

The areas of the different fractional subdivisions are calculated in this office and entered upon the plats, and according to those returns the land is sold. All this requires a large amount of labor on the part of employes of this office; for the contracts must be drawn up in triplicate, properly executed, with sufficient sureties to the bonds, entered upon the records of the office, and submitted to the department for approval; upon the approval of the contract the deputy is notified, and frequently furnished with special instructions, as in many instances, from the meeting of surveys projected from different points, diverse conditions of topography, &c., the general instructions are inadequate. Difficult questions, requiring the examination of authorities, or the study of each particular case, arise daily. Deputies find discrepancies existing, and must be instructed. County surveyors frequently ask for information to aid them in the re-establishing of old surveys, which information is always given.

In addition to the foregoing, much of the time of the employes is consumed in properly taking care of the large number of maps, records, and public documents, which, under the law, are subject to inspection by any citizen; the accounts of special deposits by individuals must be kept, as well as the accounts of the employes of the office. The large correspondence of the office requires the time of one clerk, who keeps a register of all letters, papers, &c., received and filed, and writes all letters pertaining to miscellaneous matters, such as inquiries as to surveys, notices to deputies, &c.

Although the employes directly engaged in the platting and copying of the field notes of mining claims are paid from special deposits by the claimants, much of the work is thrown upon the office generally and cannot be computed against the deposits or paid from them, but must be paid from the appropriation for the compensation of clerks and draughtsmen.

The task of segregating the swamp lands granted to the State from the public lands is a part of the work of this office, and in cases where the State authorities claim lands not returned by the deputy surveyor as swamp and overflowed, this office is charged with the duty of establishing the character of the land, by notifying the parties in interest, examining witnesses upon the ground, and taking evidence in writing, which must be carefully reviewed and forwarded with a report to the department. After decision has been rendered by the department, this office is required to notify the interested parties, and so receive and forward appeals, if any. This branch of the service requires the almost constant attention of one clerk, and occupies much of my time as well as that of other employes.

The urgent necessity of ample provision for the construction of diagrams showing the segregation of mineral from agricultural lands should be a sufficient argument in favor of the granting of the amount estimated.

In the construction of the mining segregation maps, frequently more elaborate calculation is requisite in giving the area of a single fraction of a section than would suffice for that of a whole mining claim occupying more or less of such fraction. This

work takes time, and requires constant attention. A map may be amended and approved to-day, giving what are now its proper designations of mineral and agricultural lands, and to-morrow its whole character be changed by the discovery and return of survey of a mineral claim calling for a new series of calculations and specific designations. It will be thus seen that the sources of error are numerous, and can only be avoided by adequate provision for the employment of a suitable force whose whole attention shall be given to these very important details. I should consider the money well spent, as it would permit the giving of full and undivided attention to duties of equal if not greater importance.

The tabulated statements accompanying this report necessarily give but a faint idea of the work done by this office, but it will be seen by reference thereto that during the past fiscal year 1,545 plats were made, 204 transcripts of field notes sent to the department, and 259 sent to the local land offices. The register of correspondence and papers filed shows that 3,672 letters, &c., were received, and perhaps an equal number of letters written, briefed, and filed during the year.

The office work has been so systematized that any appropriation that may be made can be applied to the best advantage, and it is sincerely desired that Congress give this matter the attention it deserves, and by sufficient means provided place this office in such a position that it may be able to properly carry out the instructions of the department, and feel for once that its current affairs may proceed from day to day with the system and regularity so notable in the conduct of any well regulated place of business.

For bringing up arrears of office work, I have estimated that \$20,000 will be required, for the following reasons:

(a) There are to be compiled 500 original maps of swamp and overflowed lands claimed by the State of California under the act of July 23, 1866.

(b) There are to be made 200 lists of swamp lands; besides

(c) Copies of swamp land maps. (The clearing of title to much valuable land should be a sufficient incentive to the early completion of this work. Like the private land claims in this State, the swamp lands have aided many men in wrongfully holding lands which in right and justice are the property of the United States.)

(d) There are to be amended a large number of township maps on account of final surveys of mines which change the areas of the adjacent agricultural lands; this embraces about 1,000 mines.

(e) Descriptive notes and diagrams should be prepared, showing suspensions of public lands on account of private land claims.

(f) Old maps of public surveys, worn out by frequent use and reference, to be reproduced.

(g) There are 270 copies of township maps to be made for the local land offices, as required by paragraph 4, section 2223 of the Revised Statutes.

(h) Field notes of 1,800 subdivisions of townships to be copied for the several local land offices, in accordance with section 2223, Revised Statutes.

It is very desirable that this work be done as expeditiously as possible, as county surveyors in distant parts of the State can then have easy access to the notes, farmers and settlers can apply to their local land-offices for the notes of the section in which they are located, and much business may thus be thrown to the land offices which now comes to this, taking up its time with searching for notes, answering letters relative to corners, &c.

As the work in arrears cannot be done in a year, economically, I have placed the estimate at \$20,000, in order that the work may be proceeded with steadily until completed.

I have placed the estimate for pay of messenger, stationery, and incidental expenses at \$5,000, for the reason that the amounts allowed this office for the last few years have been barely sufficient to supply the requirements of the regular work, while the bills for stationery, &c., will be largely increased if the estimate for bringing up the arrears of work should be allowed. If not allowed the estimate would be placed at \$4,000.

For completing the transcribing and reproduction of the Spanish archives, I have asked for \$9,000.

The archives are divided into two branches: The first branch, which is the more important in a pecuniary sense, contains all the original documents relating to land claims, giving in almost every instance the history of the case, with complete grants when the claims have been approved. These documents, named "expedientes," have, owing to their intrinsic importance, been kept apart ever since they were placed in the custody of the surveyor general. In the course of time, through the constant handling of these old papers in examining them in this office and before the courts, and in copying and making *fac similes* of their contents, coupled with the various vicissitudes to which they were subjected under the Mexican Government, in being transported from one capital place to another, being often kept in damp adobe buildings in common with the rest of the archives, these important documents are dimmed, defaced, and almost obliterated, to such an extent that but few persons can decipher their contents.

In addition to these cases, about one thousand in number, there are also the original documents in relation to grants which were presented to the United States Board of Land Commissioners for the adjudication of the claims.

To rescue these papers from destruction, an appropriation of \$9,000 was made by Congress, to be available July 1, 1879.

Competent persons have been employed to make the literal transcripts and an experienced and competent man engaged as translator.

The transcripts and translations are to be recorded in proper books, which work would appear to the casual observer to be an easy task; but the work is most difficult, as every one of these records must be carefully examined and deciphered and translated into English, the original being, in addition to its difficult reading, often drawn in indifferent Spanish, with such an abundance of provincial terms as to frequently puzzle even the scholar. The work above stated will comprehend eighteen large volumes of 660 pages each, including two volumes of about 500 maps appertaining to the records.

The appropriation of \$9,000 will cover about one-half the work which could be done during the fiscal year, and I respectfully but earnestly request the department to consider my estimate of \$9,000 for the fiscal year ending June 30, 1881, in order that this important work may be completed.

An appropriation of \$1,000 was made by Congress to provide this office with a fire-proof safe for the safe keeping of the archives, but upon examination it was found that the openings of the building would not admit one safe sufficiently large, so two were purchased for the sum of \$975, and are now in position in the office. There is now no danger of the abstraction of these papers, or of their loss by fire.

As for the second branch of the archives, which comprises some 300 ponderous manuscript volumes, it would be a valuable work if a digest of them were made as a matter of business, interesting to all, and more particularly in historic researches. In their present condition it is extremely difficult to find any document for reference, except a few which have been constantly consulted on account of their intrinsic interest, the books having been bound without regard to dates or subject matter. The work could be performed in two years by two competent clerks at \$2,000 per annum each.

I respectfully recommend that an appropriation be made for this purpose, as this work is necessary for the protection of the interests of the government as well as desirable for historic purposes.

For the survey of private land claims, including necessary office expenses, I have asked for \$10,000. No provision having been made by Congress for the payment of office expenses in the matter of the settlement of the boundaries of private land claims during the preceding fiscal year, the action of this office in that direction was necessarily limited.

Eighteen cases were prepared and transmitted for patent; the expenses attending the preparation of thirteen being defrayed by the interested parties.

In cases which had been surveyed and published, the claimants were called upon to deposit with the clerk of the United States district court a certain sum in accordance with the provisions of section 6 of the act of July 1, 1864, for defrayment of costs of office work, &c.

It is a matter of considerable difficulty to ascertain who are the owners of the unsettled private land claims, as but few of the original claimants are now interested in the ranchos. While it may be said that the proceedings under the act of 1864 should show the owners, as application by the claimants for survey is required by that act, it must be borne in mind that many of the ranchos were surveyed years ago, and the applications, if made at all, were made verbally, as none appear of record in this office. Since confirmation, many of the tracts have been subdivided into small parcels and sold, enhancing the difficulty of finding a party sufficiently interested to attend to the matter of survey. A fair instance of this difficulty is the case of the Rancho Miranontes or Arroyo de las Pilareitos. By department letter D of December 16, 1876, this office was directed to notify the owners that certain corrections were needed in the decrees of the United States district court. After inquiry, the records of this office throwing no light upon the claimants or their attorneys, a communication was addressed to a party by the name of Johnson (his Christian name could not be ascertained) at Spanishtown, a small town near the rancho. No reply was received, and having subsequently heard that the Clay Street Bank of this city had come in possession of a portion of the rancho, through foreclosure of a mortgage, a letter was addressed to the cashier of that institution advising him of the discrepancies in the decrees. By him the office was informed that the bank had no interest in the matter, and so it rests, and so it might remain for years to come, if the claimants are to be allowed their own time in which to assist in the issuance of patent. It is clearly not the province of this office to engage an attorney to make the proper motions in court for the correction of the decrees, neither does it feel authorized to request the United States district attorney to attend to the matter. The same may be said with refer-

once to the following claims, which have been confirmed by the United States district court and decree ordered, but in which, through neglect or oversight, the decrees of confirmation have not been filed, viz:

L. C.	D. C.	Claim.	Confirmer.
No.	No.		
689	339	Lot in Santa Clara County	F. Arce.
581	176	Entre Napa	Mount <i>et al.</i>
586	242	.....do	John Patchell.
097	345	Lot in Mt. San Gabriel	Workman.
631	232	Tract in Monterey County	Blanco.
773	114	Napa	L. D. Brown.
726	120	.....do	G. N. Cornwall.
725	116	.....do	A. Farley.
720	122	.....do	H. Inghram.
583	261	.....do	William Keeley.
791	112	.....do	H. G. Langley.
582	241	.....do	John Love.
577	249	.....do	B. McCombs.
722	111	.....do	H. McCombs.
736	76	.....do	James McNeil.
737	139	.....do	A. T. Ritchie.
723	123	.....do	Hart & McGarry.
516	220	Embarcadero de Santa Clara	Bernal.

Surveys of these tracts cannot be made until the decrees of confirmation are entered *nunc pro tunc*, which proceeding requires a thorough overhauling of the records of the case, a motion for leave to file the decree, and subsequent motion filing it. The clerical work attending the preparation of these decrees is by no means inconsiderable. It is clearly the duty of the claimants to attend to the matter, but the difficulty, before alluded to, of discovering them and calling their attention to the condition of the cases, has deterred the office from taking active steps.

Probably not a proper subject for comment in this report—the papers, &c., having been transmitted since the 30th of June, 1879—is the Rancho El Sobrante. So much of the work was done, however, during the fiscal year ending as above, that a slight review of the work entailed upon the office may not be amiss.

Although confirmed by the United States land commission July 3, 1855, and by the United States district court April 6, 1857, no proceedings were had relative to a survey until the 28th of June, 1878. The survey of the rancho was made in July of that year, the field notes being filed August 26, 1878. The survey was regularly published, and long ere the time prescribed for the filing of protests had expired some 25 protests had been filed, and interventions and protests were filed after that time until over 100 persons were of record in the case. Much time was consumed in the taking of testimony and filing of exhibits, 43 witnesses being examined and 145 exhibits filed. The record of testimony and proceedings, comprising over 1,200 pages, was bound in four volumes, and the case sent up with an exhaustive report embracing 64 pages.

For examinations of surveys in the field during the fiscal year ending June 30, 1881, as provided by paragraph 5, section 2223 Revised Statutes, the estimate is \$5,000.

The examinations of surveys in the field during the past fiscal year were very expensive, having been extended to much of the work done in previous years, as well as to that done during the fiscal year 1878-'79.

Owing to lack of appropriations, but few examinations of the work in the field have been made for a number of years, causing a tendency to looseness of work on the part of the deputies. When a deputy knows that an appropriation is available for the examination of his work, and that a special agent of the government may be sent to the field at any time, the moral effect of such an appropriation is most obvious.

For the adjustment of deficiencies in the fund of special deposits by individuals there is required an appropriation of \$8,000. These deficiencies were caused by the system formerly in vogue of paying salary accounts indiscriminately from the special deposit fund before the work for which the deposit had been made had been done on the mine or township. It having been discovered that the balance of the fund remaining was insufficient to meet the probable draft upon it, an order was made by the department July 12, 1877, that the salary accounts be so kept as to show the actual time employed upon each mine or township, thereby checking any overdraft. This order was obeyed strictly, but the salary accounts which were sent up under it were in some instances for work performed on cases where the deposit had been already exhausted, and were paid from a subsequent deposit made in some other case. This has been done in all the cases where a deficiency existed, thereby floating the total deficiency to the present time. Should the deposits be suddenly discontinued or made so slowly that the fund could not meet the demand made upon it by this back work,

the work could not be done except at the risk to the employes of never receiving their pay therefor, or of being subjected to a long and tedious wait for the action of Congress; but depositors should not be forced to wait for their work because the amount deposited by them for their work had been expended upon other work before their cases were reached.

MINES.

The surveying of mining claims forms an important branch of the work of this office.

The surveys are made at the expense of the claimants by regularly-appointed deputy mineral surveyors, there being seventy-three such deputies in this district. Applicants for commission as mineral deputies are required to undergo examination as to their qualifications, if not personally known to be competent by the office. If successful in passing the examination, the applicant is required to give bonds in the sum of \$10,000. The duty of making out the bonds, examining the sureties, forwarding the bond to the department for approval, making out the appointments, &c., devolves upon this office, and necessitates a large amount of correspondence and labor.

The number of mines surveyed in this district amounts to nearly 2,000. For each mine the office accountant is required to keep an account of the amount deposited in the United States subtreasury and charge against it the amount paid the employes of this office for platting the survey, making the necessary maps, copying the field notes, &c. The deputy who makes a mineral survey must be furnished with the field notes of neighboring mines with which the location may conflict, and, if upon surveyed lands, he must also be furnished with the field notes of public land surveys in the vicinity, so as to properly connect therewith. Great care is required in the examination of the deputy's returns to guard against error and see that no unlawful conflict is made with other mines; as upon the correctness of the survey really depends the title of this often-times valuable property. Many delicate questions arise in these surveys.

The rules and regulations governing deputy mineral surveyors have been changed from time to time by this office under instructions from the department.

In many instances where surveys were executed under the rule requiring a connection not to exceed two miles in length, the papers and maps are returned by the department for the shortening of the line to comply with the present rule requiring a connecting line to be not longer than 100 chains. The deputy who made the survey may have died or left the district, the property may have changed hands, and it seems unjust that, while the fact remains that the deputy and claimant complied with every requirement then in force, the claimants should be put to the expense of establishing connections which at the time of the survey were not considered necessary or made part of the law regarding such surveys. I would therefore recommend that cases of the character named be adjusted in conformity with the rules existing at the time the survey was executed.

I respectfully call your attention to the portion of my annual report for the year 1877-'78 relative to the desirability of extending the lines of public surveys over mineral lands so as to correctly define the *locus* of mineral claims, &c. The experience of the past year has but confirmed me in the opinion I then formed as to the necessity of such extension and of the results sure to follow if surveys were not made.

THE RECTANGULAR SYSTEM.

During the last session of Congress the question of superseding the present rectangular system of surveys by a more scientific or elaborate system was agitated, and I think it proper to discuss the proposition briefly in this report.

In the matter of economy, the rectangular system is the most desirable, and compares favorably with any other, for the reason that straight lines are always the shortest, and, serving as boundaries, inclose the most ground, while they are the easiest to re-establish and retrace, and consequently the least costly to establish. It depends mainly upon natural monuments at starting points and upon monuments erected by the deputy surveyors; for the defining of boundaries and for land parceling surveys, nothing else will be so easily understood by the general public.

The great utility of the system lies mainly in its simplicity and perfect adaptability, by means of its small legal subdivisions, to all forms of topography.

For land parceling purposes a more geographically accurate survey than can be obtained through the present rectangular system is neither necessary nor desirable; boundaries would be no easier established nor more clearly defined thereby, although the exact geographical position of different tracts might be therefore more accurately defined; but to a farmer it makes but little difference whether scientists find, upon careful investigation, that the United States, or any part of it, is laid down upon a map so many degrees too far east, west, south or north. Under the rectangular system he has bought his land by well established boundaries, and as long as he can find those

monuments, it matters little to him upon what part of the globe they are geographically situated. If it should be found, for instance, that the country known as the United States of America had been improperly defined as to latitude and longitude, no one would for a moment imagine that its people would emigrate to the exact geographical position before assigned them. A system so readily understood by all classes of claimants and settlers cannot be supplanted by any so-called scientific system, no matter what its nature may be, without opening the doors to complications and abuses, as well as hungry litigants and hungrier lawyers.

It is only necessary to revert to the complications arising in the surveys of Spanish or Mexican grants to determine what a departure from the rectangular system may produce. I venture to assert that in most cases involving the settlement of the boundaries of a Mexican grant of 640 acres in order to perfect it for patent, more legal talent is wasted, more delay occasioned, and more expense incurred than would suffice to survey a full township of land of equal or perhaps greater value and containing 36 times more area.

In those portions of the United States where the rectangular system alone prevailed but little trouble or litigation regarding boundaries will be found, and in many of them the public surveys have been long since completed, while in most those districts where any other system has prevailed the surveys are not only not completed, but it is a matter not easily determined as to when they will be, and trouble, endless litigation, and personal violence prevail. An exact topographical survey, such as would correctly define the natural features and describe such artificial objects as are shown by the Ordnance maps of Great Britain, would occupy 200 years and cost untold millions, and a survey to be exact must observe all these requirements.

It is clear that such a survey, aside from its cost, would not be adapted to the rapidly growing population of this country. A different and more minute classification of the public lands is also advocated. This I believe to be impracticable, as any classification that can be made does but reflect the views of the particular person making it, and no matter how eminent such person may be in point of scientific attainments, he is not likely to know everything, and his classification may not be more correct than it is at the present time, having been made by men who may not have been possessed of all the scientific knowledge attainable, but who as a rule can be called more than ordinarily intelligent and *practical*.

Surveys are necessarily usually made before the lands are thickly settled, and are often made in advance of any settlement, and I deem it improbable that any man, no matter how scientific, can correctly classify those lands before population and practical men develop their resources. If that were possible, men of such knowledge could and would take advantage of it, and secure for themselves lands at nominal cost which contain valuable minerals or other resources not dreamed of by the casual passer-by. I have never in my experience found an instance where a person of such great scientific attainments has discovered anything upon public lands valuable for himself, and it seems to me entirely safe to presume that, if such men have failed so far to discover anything of value for themselves, they will be no more successful for the government. I think that the question of a correct classification of lands would be safest in the hands of the citizens generally, as it now is under the existing laws.

The classification now made by deputy surveyors is as accurate as any that can be made at a moderate expenditure.

No particular interest is suffering under the present laws and regulations, and I am not aware of any clamoring on the part of the settlers for a change in the laws regulating the disposition, surveys, or classifications of lands. It is true that large tracts of land exist which are now used only for grazing purposes, and as grazing lands cannot be utilized as such except in larger tracts than can be acquired under the homestead or pre-emption laws, it necessarily follows that if the United States desires to dispose of its lands as easily as practicable, some provision must be made by law for disposing of grazing lands. I do not believe, however, that the government desires to dispose of its public lands any more rapidly than they are required for its increasing population. Grazing and agricultural lands are so closely intermingled as to render it very difficult to fix upon any line of demarcation between them, and these lands can only be properly classified as their latent resources are developed by an increasing population.

The grazing interest could be amply provided for by authorizing conditional leases of public lands, with a proviso that such lease shall not be held to withdraw such land from *bona fide* settlement and cultivation. Under the homestead or pre-emption laws such a course, while satisfying the grazing interests, would preserve such portions of the public domain as may be found to be susceptible of settlement and cultivation for those purposes. The surveying districts are now of convenient size for maintaining a direct and intelligent supervision over the details of surveying operations; and the employes in that branch of the public service may challenge comparison as to skill, intelligence, fidelity, and amount and quality of work done, with any other branch

of the public service, although they are worked harder, poorer paid, and their faithful and necessary services less appreciated than the services of others who have the opportunity of magnifying the importance as well as the character of their work, although such work may be of but little practical utility. I have felt impelled to say this in defense of the personnel of this branch of the service against the unjust attacks which have been made upon it before Congress.

Opinion differs greatly as to the comparative merits and economy of the contract system and a system based upon salaried deputies.

As a mathematical proposition, having in view only the one object of insuring the greatest accuracy, there can be no doubt that a system of salaried deputies would offer many advantages; but taking into consideration the question of economy, and viewing the matter from all sides, with my experience of the last year, I am compelled to admit that, considering the question from an economic and practical standpoint, the contract system is the best one.

Other branches of the surveying service carried on under a salary system have been eminently successful so far as accuracy is concerned, but it is an open question, even with those surveys where the conditions are entirely different from land-parceling surveys, whether they could not have been executed more economically and of sufficient accuracy under the contract system.

I do not believe that the land-parceling surveys can be successfully combined with any system of scientific surveying (so called) with advantage to either, but believe that it would be a disadvantage to both systems and objects. My experience is that the rectangular system is the best that can be devised for land-parceling purposes, but as my opinion in this respect might be said to be influenced by self-interest, I deem it only necessary in refutation to point to the fact that England has substantially adopted the rectangular system in her colonial surveys.

I also regard the contract system as the best attainable under the circumstances and as answering all requirements. All that is necessary is a faithful execution of the law and instructions as they exist. If the law is not properly executed the remedy is not to make another law, but to place its execution into the hands of persons who with proper provision for so doing will properly enforce it.

In a general and laudable effort at retrenchment in the public expenditures, it has been proposed to abolish the offices of surveyors' general in the different surveying districts and consolidate their duties in a single office at Washington, D. C.

Under any system of surveys, or under any change that may be made, the duties now performed by this office must still be performed, and I do not believe that any one will claim that those duties can be more economically performed in Washington than here.

DEPUTY SURVEYORS.

The following is a list of the deputy surveyors appointed since my last report, the initials "M." and "A." indicating mineral and agricultural deputies, respectively:

Deputy.	Address.
A. Chalfant (A.)	San Francisco, San Francisco County.
Tom P. Smyth (A.)	Cuffey's Cove, Mendocino County.
Fred. T. Perrit (A. M.)	San Bernardino, San Bernardino County.
John Reed (A.)	Lompoc, Los Angeles County.
Chas. Herrmann (A.)	San José, Santa Clara County.
Thos. W. Harrison (A.)	Ukiah, Mendocino County.
A. W. Von Schmidt (A.)	San Francisco, San Francisco County.
Chas. Taylor (A.)	Gerberville, Humboldt County.
A. S. Cooper (A.)	Santa Barbara, Santa Barbara County.
Leo A. Scowden (A. M.)	Bodie, Mono County.
John McKenzie (A.)	San Francisco, San Francisco County.
J. M. Doyle (A.)	Colusa, Colusa County.
Frank Read (A. M.)	Cerro Gordo, Inyo County.
Geo. M. Woodward (A.)	Los Angeles, Los Angeles County.
Wilfred F. Ingalls (A.)	Alvarado, Alameda County.
Richard Egan (A.)	San Juan Capistrano, San Diego County.
Chalmers Scott (A.)	Rancho Buena Vista, ———.
M. C. Lawton (A.)	Staten Island, San Joaquin County.
Thos. P. Woodward (A. M.)	San Francisco, San Francisco County.
A. J. Swift (A.)	Do.
John C. Everett (A.)	Oakland, Alameda County.
W. H. Myrick (A.)	Mayfield, Santa Clara County.
Geo. W. Halferty (A.)	San Francisco, San Francisco County.
W. S. Lillen (A. M.)	Mammoth City, Mono County.
Frank G. Ward (A.)	Susanville, Lassen County.

Deputy.	Location.
William G. Minckler (A.)	Susanville, Lassen County.
D. F. Spurr (A.)	Cloverdale, Sonoma County.
A. Herdman (M.)	Los Angeles, Los Angeles County.
G. W. Norton (M.)	San Diego, San Diego County.
J. R. Scupham (M.)	San Francisco, San Francisco County.
E. S. Thurston (M.)	Do.
J. G. Jones (M.)	Downieville, Sierra County.
J. R. Meek (M.)	Marysville, Yuba County.
G. W. Smith (M.)	Vallejo, Solano County.
W. F. Englebright (M.)	Nevada City, Nevada County.
C. H. Seymore (M.)	Do.
Benjamin Ross (M.)	Volcano, Amador County.
Geo. Wright (M.)	Marysville, Yuba County.
C. S. Batterman (M.)	San Francisco, San Francisco County.
F. Von Lucht (M.)	Do.
G. H. Goddard (M.)	Do.
E. B. Eddy (M.)	Do.
R. B. Symington (M.)	Ophir, Placer County.
R. H. Stretch (M.)	Sutter Creek, Amador County.
A. McPherson (M.)	Santa Cruz, Santa Cruz County.
A. L. Knowlton (M.)	Chico, Butte County.
W. K. Boucher (M.)	Makelmane Hill, Calaveras County.
R. Von Schneiden (M.)	Yreka, Siskiyou County.
T. J. Dewoody (M.)	Napa, Napa County.
A. G. Buxton (M.)	Los Angeles, Los Angeles County.
D. D. Reaves (M.)	Plymouth, Amador County.
W. S. Shannon (M.)	Santa Clara, Santa Clara County.

Very respectfully, your obedient servant,

THEO. WAGNER,

United States Surveyor General for California.

Hon. J. A. WILLIAMSON,

Commissioner of the General Land Office, Washington, D. C.

A.—Statement of contracts entered into by the United States surveyor general for California with deputy surveyors for the survey of public lands during the fiscal year ending June 30, 1879, and payable out of the public appropriation for that year.

Name of deputy.	Date of contract.	Location of field work.	Meridian.	Amount of contract.	Returned amount.	Remarks.
J. M. Anderson	July 23, 1878	No. 9.—Run all lines necessary to survey townships 7, 8, and 9 north, range 18 east, and townships 7 and 8 north, range 17 east.	Mount Diablo...	\$2, 000 00	\$1, 330 97	Plats and field notes transmitted; account closed.
A. T. Herrmann	July 25, 1878	No. 10.—Run all lines necessary to survey township 22 south, ranges 9 and 10 east.	...do	400 00	370 39	Do.
A. T. Herrmann	July 25, 1878	No. 11.—Run all lines necessary to survey township 11 south, ranges 6 and 7 east; township 17 south, range 1 west; township 23 south, range 4 east, and township 24 south, range 5 east.	...do	1, 100 00	359 54	Do.
Milton Santee	July 25, 1878	No. 12.—Run all lines necessary to subdivide townships 28 and 29 north, ranges 10 and 11 east; townships 26 and 27 north, range 12 east, and township 30 north, range 14 east.	...do	2, 500 00	2, 767 94	Do.
D. D. Brown	July 30, 1878	No. 13.—Run all lines necessary to survey township 8 north, range 7 west.	...do	450 00	271 37	Do.
James R. Glover	July 23, 1878	No. 14.—Survey and subdivide township 36 north, range 13 east, and survey the islands Santa Barbara, San Miguel, Anacapa, San Nicholas, and San Clemente, in the Pacific Ocean, setting off so much of each as is reserved for light-house purposes.	...do	1, 700 00	522 09	
William F. Benson	July 23, 1878	No. 15.—Run all lines necessary to survey township 1 south, range 25 east; townships 1, 2, 5, and 15 south, range 24 east; townships 2, 3, 4, 5, 13, 14, and 15 south, range 23 east, and townships 8, 9, 10, 11, 12, and 13 south, range 22 east.	San Bernardino.	2, 300 00	2, 842 85	Plats and field notes transmitted; account closed.
James Branham	July 25, 1878	No. 16.—Run all lines necessary to survey the exterior lines of townships 28 and 29 north, ranges 10 and 11 east; townships 26, 27, and 30 north, range 12 east; township 31 north, range 13 east; township 30 north, range 14 east; townships 30, 39, and 40 north, range 15 east, and townships 31, 32, and 33 north, range 17 east.	Mount Diablo...	2, 500 00	1, 302 70	
G. W. Baker	July 23, 1878	No. 17.—Run all lines necessary to survey townships 31, 32, 33, 34, 35, 36, 38, 39, 40, and 41 north, range 5 east; townships 33, 34, 35, and 36 north, range 4 east; township 37 north, range 3 east, and townships 38 and 39 north, range 6 east.	...do	3, 000 00	4, 292 84	The accounts for the surveys returned by G. W. Baker under this contract being in excess of the liability, that portion of the contract embracing townships 31, 32, 33, 34, and 35 north, range 5 east, and township 37 north, range 3 east, Mount Diablo meridian, has been canceled and a new contract for survey of said townships, dated February 6, 1879, has been given to L. D. Bond. Plats and field notes transmitted; account closed.

A.—Statement of contracts entered into by the United States surveyor general for California, &c.—Continued.

Name of deputy.	Date of contract.	Location of field work.	Meridian.	Amount of contract.	Returned amount.	Remarks.
J. R. Glover.....	July 23, 1878	No. 18.—Survey the exterior line of township 20 north, ranges 7, 8, and 9 west, and subdivide township 11 south, range 22 east.	Mount Diablo...	\$800 00	\$1,309 01	Plats and field notes transmitted; account closed.
A. A. Smith.....	July 29, 1878	No. 19.—Run all lines necessary to subdivide townships 30, 39, and 40 north, range 15 east; township 30 north, range 12 east; townships 31, 32, and 33 north, range 17 east, and township 31 north, range 18 east.	....do	2,500 00	2,054 67	Do.
M. G. Wheeler.....	July 24, 1878	No. 20.—Survey all lines necessary to subdivide township 9 south, range 3 west; township 12 south, range 3 west; township 14 south, range 2 west; township 18 south, range 1 west; township 15 south, ranges 2, 4, and 5 east; township 18 south, range 1 east, and township 11 south, range 1 east.	San Bernardino.	2,000 00	.....	February 11, 1879, time for completion of surveys under this contract extended to April 1, 1879, at request of deputy. March 14, 1879, time extended to May 1, 1879, at request of deputy. Field notes on file; plats being made
Lorenzo D. Bond.....	July 23, 1878	No. 23.—Run all lines necessary to survey township 1 south, range 33 east; township 2 south, ranges 27, 28, 29, 30, 31, and 34 east; township 3 south, range 31 east; township 1 north, range 32 east; township 2 north, ranges 27, 30, and 31 east; township 3 north, ranges 29 and 30 east; township 4 north, ranges 27, 28, and 29 east; township 5 north, ranges 27 and 28 east; township 6 north, range 24 east, and townships 7 and 8 north, range 24 east.	Mount Diablo	2,000 00	1,837 14	
M. F. Reilly.....	July 23, 1878	No. 24.—Run all lines necessary to survey townships 10, 11, 12, 13, and 14 north, ranges 1 and 2 east.	Humboldt	3,000 00	3,515 22	Contract amended April 23, 1879. Townships 27, 28, and 29 south, range 31 east, and townships 28 south, ranges 32 and 33 east, Mount Diablo meridian, substituted for townships 10, 11, 12, 13, and 14 north, range 2 east, and township 14 north, range 1 east, Humboldt meridian. See Commissioner's letter, May 28, 1879.
C. F. Putnam.....	July 23, 1878	No. 26.—Run all lines necessary to meander the west bank of the Colorado River in California, and survey the arable land in townships 1, 2, 3, and 4 north, range 25 east; townships 4, 5, 6, 7, and 8 north, range 24 east; townships 8 and 9 north, range 23 east; townships 9 and 10, range 22 east, and township 11 north, range 21 east.	San Bernardino.	2,700 00	3,397 47	Contract amended April 23, 1879. Townships 22 and 25 south, range 29 east; township 23 south, range 30 east; townships 24, 25, and 26 south, range 31 east, and township 27 south, ranges 32 and 33 east, Mount Diablo meridian, substituted for townships 2, 3, and 4 north, range 25 east; townships 4, 5, 6, 7, and 8 north, range 24 east, and townships 8 and 9 north, range 23 east, San Ber-

Nelson S. Berdan.....	July 23, 1878	No. 28.—Run all lines necessary to survey townships 10 and 11 north, ranges 3 and 4 east, and township 12 north, range 3 east.	Humboldt	2,000 00	.....	.....	.....	nardino meridian. See Commissioner's letter of May 28, 1879.
Seth Smith	Aug. 13, 1878	No. 29.—Survey the range line between ranges 27 and 28 east; township 14 south, and the township line between townships 13 and 14 south, ranges 28, 29, 30, and 31 east.	Mount Diablo...	210 00	410 37	.....	.....	Contract amended May 19, 1879. Township 40 north, ranges 7, 8, and 10 east: townships 37, 38, and 39 north, range 10 east, and township 37 north, range 8 east, Mount Diablo meridian, substituted for townships 10 and 11 north, ranges 3 and 4 east, and township 12 north, range 3 east, Humboldt meridian.
J. G. Parke	Aug. 26, 1878	No. 30.—Survey township 9 north, ranges 21 and 22 west, and townships 10 north, ranges 21, 22, and 23 west.	San Bernardino ..	600 00	.....	.....	.....	Plats and field notes transmitted; account closed.
P. G. Baker	Sept. 2, 1878	No. 32.—Run all lines necessary to survey townships 20 south, ranges 29 and 30 east.	Mount Diablo...	400 00	323 06	.....	.....	Do.
Fred. T. Perris.....	.....	No. 45.—Run all lines necessary to survey townships 1 and 2 north, range 5 west.	San Bernardino ..	100 00	.....	.....	.....	Time extended to May 1, 1879, at request of deputy.
Thomas Creighton	Nov. 4, 1878	No. 50.—Survey township 13 south, range 24 east, and township 14 south, range 27 east.	Mount Diablo...	500 00	1,660 15	.....	.....	Plats and field notes transmitted; account closed.
D. D. Brown	Dec. 26, 1878	No. 53.—Complete the subdivision of township 9 north, range 11 west.	.....do	500 00	.....	.....	.....	.....
A. T. Herrmann	Jan. 3, 1879	No. 57.—Complete the subdivision of township 23 south, range 5 east.	.....do	600 00	.....	.....	.....	.....
L. D. Bond	May 1, 1879	No. 82.—Complete the subdivision of township 6 north, ranges 25 and 26 east; township 1 south, range 15 east; township 3 south, range 27 east; township 4 south, ranges 28, 29, 31, and 32 east, and township 5 south, ranges 22 and 23 east.	.....do	1,200 00	.....	.....	.....	.....
William H. Norway....	Sept. 3, 1878	No. 31.—Run all lines necessary to survey township 4 north, range 21 west; township 5 north, range 23 west, and township 5 north, range 24 west.	San Bernardino ..	700 00	570 01	.....	.....	Plats and field notes transmitted; account closed.
William H. Norway....	Sept. 18, 1878	No. 37.—Complete the subdivision of townships 2 and 3 north, range 21 west.	.....do	500 00	579 05	.....	.....	Do.
S. A. Hanson	Nov. 2, 1878	No. 52.—Survey townships 1 south, ranges 26, 29, 30, and 31 east; township 3 south, range 30 east; townships 1 north, ranges 25 and 26 east; townships 2 and 3 north, ranges 24 and 25 east; township 4 north, range 24 east; township 5 north, ranges 24, 25, and 26 east, and township 7 north, range 25 east.	Mount Diablo...	2,000 00	1,297 98	.....	.....	.....
William P. Reynolds...	Oct. 30, 1878	No. 69.—Survey township 1 north, range 14 west, and township 1 south, range 14 west.	San Bernardino ..	200 00	.....	.....	.....	.....
Mark Howell	Jan. 29, 1879	No. 70.—Run all lines necessary to survey township 6 south, range 21 east.	Mount Diablo...	600 00	.....	.....	.....	.....

A.—Statement of contracts entered into by the United States surveyor general for California, &c.—Continued.

Name of deputy.	Date of contract.	Location of field work.	Meridian.	Amount of contract.	Returned amount.	Remarks.
J. R. Glover.....	Apr. 23, 1879	No. 77.—Extend the third standard parallel south east along the north boundaries of townships 13 south, ranges 25, 26, 27, 28, 29, 30, 31, 32, and 33 east, and subdivide the lands coming within instructions and desirable for settlement contiguous or near said standard line, to extent of \$5,000, it being impracticable to particularly designate the townships suitable for location.	Mount Diablo...	\$5,000 00	.....
W. F. Benson.....	Apr. 23, 1879	No. 78.—Run all lines necessary to complete the survey of township 38 north, range 3 east; townships 39, 40, 41, and 42 north, ranges 2, 3, and 4 east, and townships 46, 47, and 48 north, ranges 3 and 4 west.	....do	5,000 00	.....
G. W. Baker.....	Apr. 23, 1879	No. 79.—Run all lines necessary to complete the subdivision of townships 43, 44, and 45 north, ranges 2, 3, 4, and 5 east.	....do	5,000 00	.....
Milton Santee.....	Apr. 24, 1879	No. 80.—Survey township 27 north, range 13 east; townships 27, 32, 33, 35, and 36 north, range 14 east; townships 26, 29, 32, and 33 north, range 15 east; townships 24, 25, 26, 32, 33, 34, and 36 north, range 16 east, and townships 28, 29, and 30 north, range 17 east.	....do	3,000 00	.....
William Minto.....	Apr. 24, 1879	No. 81.—Complete the survey of township 45 north, range 14 east; townships 37, 38, 47, and 48 north, range 16 east; townships 44, 45, 46, 47, and 48 north, range 17 east; townships 39 and 41 north, range 1 west; townships 39 and 41 north, range 2 west; townships 38 and 39 north, range 3 west; townships 36, 37, 38, 39, 40, 41, and 42 north, range 4 west, and townships 40 and 41 north, range 5 west.	....do	5,000 00	.....
S. W. Brunt.....	May 12, 1879	No. 83.—Complete the survey of townships 1, 2, and 3 south, ranges 6, 7, and 8 east; townships 1, 2, 3, 4, and 5 north, ranges 6, 7, and 8 east, and townships 4 and 5 north, range 5 east.	Humboldt.....	5,000 00	.....
A. A. Smith.....	Apr. 24, 1879	No. 85.—Complete the survey of townships 36 north, ranges 6, 7, 11, and 12 east; townships 37 north, ranges 6 and 12 east; township 38 north, range 13 east; township 39 north, ranges 11 and 15 east, and townships 40 north, ranges 14 and 15 east.	Mount Diablo...	3,000 00	.....

J. M. Anderson.....	May 14, 1879	No. 86.—Complete the subdivision of townships 6 north, ranges 18, 19, and 20 east; townships 7 north, ranges 19 and 20 east; townships 8 north, ranges 19 and 20 east, and township 9 north, range 19 east.	.....do	2,500 00	.....
P. G. Baker.....	May 24, 1879	No. 88.—Extension of the fourth standard south, between ranges 29, 30, 31, 32, and 33 east. All of.	.....do	500 00	.....
A. B. Beauvais.....	June 24, 1879	No. 90.—Survey the exterior lines of townships 1 south, ranges 18, 19, and 20 east, and townships 2 south, ranges 19, 20, and 21 east.	.....do	000 00	.....

B.—Statement of contracts entered into by the United States surveyor general for California with deputy surveyors, for the survey of public lands, during the fiscal year ending June 30, 1879, and payable from special deposits made in conformity with the act of March 3, 1871.

Name of deputy.	Date of contract.	Location of field work.	Meridian.	Amount of contract.	Returned amount.	Name of depositor.	Remarks.
E. G. Gaertner	July 1, 1878	No. 1.—Survey township 3 north, range 23 west.	San Bernardino	\$90 00	-----	E. V. Normand	Contract canceled at request of R. Steinbach, attorney, November 4, 1878. (Deposit withdrawn.)
Do	July 1, 1878	No. 2.—Survey township 3 north, range 22 west.	....do	90 00	-----	J. H. Applegate	Do.
H. B. Shackelford	July 5, 1878	No. 3.—Survey the public land between the new west boundaries of range 2 west, in townships 17, 18, and 19 north.	Mount Diablo .	177 00	\$336 42	John Boggs	The deposit made by John Boggs in this case was returned June 7, 1879, and a new deposit made by the California and Oregon Railroad Company. The Department received a draft for the amount deposited for survey by said railroad company, viz, \$177.48. Plates and field notes transmitted; account closed.
L. B. Gorham	July 27, 1878	No. 8.—Run all lines necessary to survey township 22 north, range 15 west.	....do	114 00	78 23	Henry Poe	Plates and field notes transmitted; account closed.
M. F. Reilly	July 20, 1878	No. 21.—Survey township 22 north, range 12 west.	....do	50 00	148 78	George J. Preising	Do.
Do	July 20, 1878	No. 22.—Survey township 23 north, range 14 west.	....do	150 00	234 10	Charles T. Norton	Do.
J. A. Benson	Aug. 14, 1878	No. 25.—Run all lines necessary to subdivide township 18 north, range 7 east; township 21 north, ranges 5 and 7 east; township 22 north, ranges 2, 3, 4, 5, and 6 east; township 23 north, range 5 east, and township 24 north, ranges 2, 4, 5, and 6 east.	....do	2,000 00	2,889 77	California and Oregon Railroad Company.	Do.
James E. Woods	Sept. 14, 1878	No. 33.—Run all lines necessary to survey township 1 south, range 4 east.	Humboldt	60 00	99 06	Miss M. J. Carpenter, Samuel Lindsey	Do.
A. S. Cooper	July 5, 1878	No. 34.—Survey township 8 north, range 33 west.	San Ber ard	126 00	-----	William Foxson	The deposit in this case having been made in the name of the wrong person, was withdrawn and a deposit made by Benjamin Foxen in lieu thereof. Time extended to December 1, 1878, at request of deputy.

William H. Carlton ..	Sept. 16, 1878	No. 35.—Run all lines necessary to survey townships 27 north, ranges 3, 4, and 5 east, and township 16 north, range 1 east.	Mount Diablo.	1,000 00	-----	California and Oregon Railroad Company.	Deputy in the field.
I. N. Chapman	Sept. 1878	No. 38.—Run all lines necessary to survey townships 26 and 28 north, range 3 east; township 28 north, range 4 east, and township 29 north, range 3 east.	...do	1,000 00	-----	...do	Do.
James O'Brien	Sept. 13, 1878	No. 38.—Run all lines necessary to survey township 25 north, ranges 1, 2, 4, and 5 east; township 29 north, range 2 east; townships 29, 30, 31, and 32 north, range 1 east; township 31 north, range 2 west, and township 27 north, range 2 east.	...do	2,000 00	-----	...do	Townships 29, 30, 31, and 32 north, range 1 east, changed to range 1 west. (See Commissioner's letter of October 22, 1878.) Plats, field notes, and account for \$3,723.10 transmitted February 14, 1879; account suspended by Hon. Commissioner General Land Office.
R. F. Herrick	July 13, 1878	No. 39.—Complete the subdivision of township 2 south, range 1 west.	Humboldt.....	30 00	-----	John Everetts	San Francisco, Cal., September 23, 1878. Time for completion of survey extended to December 1, 1878.
A. Chalfant	Sept. 23, 1878	No. 40.—Run all lines necessary to survey fractional township 16 north, range 15 west.	Mount Diablo.	80 00	266 03	Emily R. Philbrick, R. J. Hopkins, D. O. Philbrick.	The deputy received a draft for the sum of \$126, that being the amount of deposit. Plats and field notes transmitted; account closed.
Charles Herrmann ...	Sept. 23, 1878	No. 43.—Survey township 7 south, range 5 east.	...do	150 00	-----	Charles Fox	Time extended to June 1, 1879, at request of deputy.
Do	Sept. 23, 1878	No. 44.—Survey township 7 south, range 4 east.	...do	150 00	-----	E. W. Paige	Do.
M. G. Wheeler	Oct. 2, 1878	No. 46.—Survey township 12 south, range 1 east.	San Bernardino	160 00	-----	W. W. Ingraham	Field notes on file; plats being made.
A. W. Von Schmidt ..	Sept. 23, 1878	No. 48.—Survey fractional township 7 north, range 4 west.	Mount Diablo.	35 00	-----	Otis W. Merriam.....	Contract canceled December 6, 1878, at request of deputy, by order of honorable Commissioner of the General Land Office.
L. D. Chillson	Oct. 15, 1878	No. 49.—Run all lines necessary to complete the subdivision of township 4 north, range 20 west.	San Bernardino	30 00	-----	R. Wilkin	
Richard Egan	Dec. 11, 1878	No. 54.—Survey fractional township 7 south, range 8 west.	...do	63 00	41 45	W. W. Wilson	Plats and field notes transmitted; account closed.
L. B. Gorham	Dec. 30, 1878	No. 55.—Run all lines necessary to complete the survey of township 17 north, range 12 west.	Mount Diablo.	700 00	698 57	E. Snuckles et als	Do.
J. M. Doyle	Dec. 6, 1878	No. 56.—Complete the subdivision of fractional township 15 north, range 5 west.	...do	88 00	70 10	William H. Wehri	Do.
William Magee	Feb. 5, 1879	No. 63.—Survey the town site of Copper City, in Shasta County, California.	-----	10 00	-----	W. E. Hopping	

B.—Statement of contracts entered into by the United States surveyor general for California with deputy surveyors, &c.—Continued.

Name of deputy.	Date of contract.	Location of field work.	Meridian.	Amount of contract.	Returned amount.	Name of depositor.	Remarks.
L. B. Gorham	Mar. 25, 1879	No. 72.—Complete the survey of township 19 north, range 13 west.	Mount Diablo	\$520 00	.....	H. Bigelow et als.	
D. D. Brown	Apr. 10, 1879	No. 73.—Complete the survey of township 18 north, range 6 east.	....do	86 00	\$86 08	N. F. Quirk	Deputy received draft to extent of deposit, viz, \$86. Plats and field notes transmitted; account closed.
Do	Apr. 10, 1879	No. 74.—Complete the subdivision of township 13 north, range 4 west.	....do	50 00	70 23	Alex. Rummelsberg...	Deputy received draft for \$50, that being the amount deposited. Plats and field notes transmitted; account closed.
William Minto.....	Apr. 10, 1879	No. 75.—Run all lines necessary to complete the survey of township 9 south, range 2 west.	San Bernardino	100 00	.....	John F. Foster.....	Contract amended April 29, 1879, by substituting township 9 south, range 4 west, for township 9 south, range 2 west.
T. P. Woodward	Apr. 18, 1879	No. 76.—Complete the survey of township 4 south, range 27 east.	Mount Diablo	50 00	.....	Thomas Tradett	
G. W. Baker	Feb. 1, 1879	No. 59.—Complete the subdivision of township 20 north, ranges 5, 6, and 7 east; township 21 north, ranges 4, 6, and 7 east; township 23 north, range 3 east, and township 32 north, range 2 east.	....do	2,500 00	.....	
George Sandow	Feb. 6, 1879	No. 61.—Run all lines necessary to survey township 45 north, range 1 west; township 31 north, ranges 4 and 6 west; townships 42, 43, 44, and 45 north, ranges 1 and 2 east; and township 46 north, range 1 east.	....do	2,300 00	.....	
C. F. Putnam	Apr. 2, 1879	No. 71.—Survey township 7 north, range 23 east.	....do	840 00	.....	R. Watkins et al	
D. D. Brown	May 12, 1879	No. 84.—Run all lines necessary to complete the subdivision of township 20 north, ranges 5, 6, and 7 east.	....do	2,000 00	.....		Contract amended by substituting township 34 north, range 2 west, and 33 and 34 north, range 3 west, for township 20 north, ranges 5, 6, and 7 east, all of.
George Wright	May 22, 1879	No. 87.—Survey that portion of section 25 of township 1 north, range 3 east, formerly included within the boundaries of the New Helvetia Rancho.	....do	24 00	.....	S. J. Abbott, William Hardin.	
J. R. Glover.....	June 14, 1879	No. 89.—Complete the survey of township 10 south, range 2 east.	....do	725 00	.....	R. Peterson et als.....	

S. A. Hanson.....	Feb. 11, 1879	No. 66.—Survey all lines necessary to complete the survey of township 4 south, range 3 east; township 5 south, ranges 3, 4, 5, 6, and 7 east; township 6 south, ranges 4 and 5 east; and township 3 north, range 10 east, all of.do	1,500 00	California and Oregon Railroad Company certificates Nos. 343 and 399.
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BB.—Statement of contracts entered into by the United States surveyor general for California, with deputy surveyors, for the survey of private land claims in California, during the fiscal year ending June 30, 1879, and payable out of the appropriation of \$4,000 for the survey of private land claims during that year.

Date of contract.	Name of deputy.	Name of rancho.	Amount of liability.	Returned amount.	Remarks.
July 26, 1878	William Minto	No. 4.—Survey the rancho Valle de San José, Portilla, confirmee.	\$550 00	\$449 37	Account closed.
Do	do	No. 5.—Survey the rancho Valle de San José, Warner, confirmee.	450 00	364 39	Do.
Do	do	No. 6.—Survey the rancho Las Virgenes, Machado, confirmee.	400 00	279 06	Do.
Do	do	No. 7.—Survey the rancho Cañada del Corte Madeva, Domingo Peralta, confirmee.	250 00	174 10	Do.
September 23, 1878	do	No. 41.—Survey the north and west boundaries of the rancho Junipa, confirmed to Abel Stearns, as directed by the honorable Secretary of the Interior in decision dated September 5, 1878, and the Commissioner of the General Land Office in instructions dated September 9, 1878.	450 00	401 46	Do.
October 3, 1878	August E. Gans	No. 42.—Resurvey the north and east boundaries of the rancho Arroyo de la Laguna, as directed by the honorable Secretary of the Interior in his decision of March 5, 1878, and the honorable Commissioner of the General Land Office in his letter of June 22, 1877.	200 00	401 46	Do.
October 22, 1878	Benjamin Farmer	No. 47.—Run all lines necessary to survey the portion of the rancho Cabeza de Santa Rosa, confirmed to Doña Felicidad Carillo de Castro.	50 00	.....
October 29, 1878	William Minto	No. 51.—Resurvey the rancho Santa Margarita y las Flores, Pio Pico confirmee, in accordance with the letters of the honorable Commissioner of the General Land Office dated October 12 and 15, 1878.	600 00	409 32	John Forster deposited, July 1, 1879, \$409.32 with the assistant treasurer of the United States in San Francisco, on account of survey of rancho Santa Margarita y las Flores certificate No. 2; account closed.
January 2, 1879	H. J. Stevenson	No. 58.—Survey the tract 100 varas square, near the old San Pedro landing, in Los Angeles County, California, confirmed to Juan Temple and D. W. Alexander, and numbered 688 on the docket of the United States land commission for California, 324 before the United States district court for the southern district of California.	20 00	.....
February 20, 1879	George H. Thompson	No. 68.—Amend the survey made by him September 16, 1875, of the rancho Las Camaritas, Ferdinand Vassault et al., confirmees, in accordance with the decision of the honorable Commissioner of the General Land Office dated December 10, 1878.	15 00	.....

C.—Statement of surveys of mines in California during the fiscal year, made in conformity with the act of Congress approved May 10, 1872.

Approval of survey.	Name of mine.	Location.
Oct. 12, 1878	Anita mine	Los Angeles.
Oct. 12, 1878	Atlanta quartz mine	El Dorado.
Nov. 13, 1878	Aleghany mine	Mono.
Jan. 14, 1879	Adams & McClure Cañon mine	Placer.
July 9, 1878	Buckeye Hill placer mine	El Dorado.
July 9, 1878	Blue Gravel mine	Yuba.
July 30, 1878	Barted gold quartz mine	Trinity.
July 30, 1878	Brown Bear gold quartz mine	Do.
Oct. 12, 1878	Bonanza mine	Mono.
Oct. 12, 1878	Baltimore American mine	Do.
Oct. 12, 1878	Brown's Ravine consolidated mine	Butte.
Nov. 4, 1878	Bavarian mine	Los Angeles.
Jan. 2, 1879	Buchanan placer mine	Placer.
Jan. 2, 1879	Blue Range mine	Sierra.
Jan. 2, 1879	Blue Point placer mine	Yuba.
Jan. 14, 1879	Burgess mine	Mono.
Jan. 14, 1879	Bruce mine	Do.
Jan. 14, 1879	Bodie mine	Do.
Feb. 20, 1879	Berry mine	Nevada.
Mar. 22, 1879	Bullwhacker mine	Mono.
May 28, 1879	Bald Mountain placer mine	Sierra.
June 3, 1879	Blythe gold placer mine	Trinity.
Aug. 12, 1878	California Consolidated quartz mine	El Dorado.
Aug. 24, 1878	Cincinnati quartz mine	Do.
Sept. 18, 1878	Chance quartz mine	Shasta.
Oct. 12, 1878	Chile Jim quartz mine	Amador.
Oct. 12, 1878	Curry mine	Mono.
Nov. 13, 1878	Captain Haynie mine	Do.
Nov. 23, 1878	Cape Horn quartz mine	Placer.
Jan. 2, 1879	Cosmopolitan gold mine	Amador.
Jan. 14, 1879	Champion mine	Mono.
Feb. 20, 1879	Centennial placer mine	Plumas.
Mar. 22, 1879	Champlain & Co. gold placer mine	Trinity.
Mar. 22, 1879	Calais placer mine	Nevada.
Mar. 22, 1879	Clay Bank quartz mine	Kern.
Apr. 1, 1879	Cook gravel placer mine	Tuolumne.
July 24, 1878	Derbec blue gravel mine	Nevada.
Aug. 17, 1878	Dunlap blue light mine	Los Angeles.
Nov. 13, 1878	Deer Flat placer mine	Plumas.
Nov. 13, 1878	Dearborn mine	Mono.
Nov. 13, 1878	Dudley mine	Do.
Nov. 13, 1878	Democrat Hill placer mine	Nevada.
Jan. 2, 1879	Dave Hall gold placer mine	Trinity.
Jan. 22, 1879	Dudley placer mine	Shasta.
Aug. 17, 1878	Enterprise quartz mine	El Dorado.
Nov. 4, 1878	Eggleston & Mowry mine	Sierra.
Jan. 14, 1879	Edith mine	Mono.
Feb. 12, 1879	Esperance placer mine	Nevada.
Mar. 4, 1879	Evergreen quartz mine	Do.
June 27, 1879	East Noonday South mine	Mono.
Aug. 31, 1878	Flanagan Blue Light mine	Los Angeles.
Jan. 14, 1879	First South Ex. Bullion mine	Mono.
Jan. 30, 1879	Forks placer mine	Del Norte.
Mar. 22, 1879	Facto mine	Mono.
Aug. 17, 1878	German quartz mine	El Dorado.
Oct. 12, 1878	Gazelle Accepted and Golding mines	Mono.
Nov. 4, 1878	Glencoe mine	Do.
Jan. 14, 1879	Giant mine	Do.
Jan. 14, 1879	Granger mine	Do.
Jan. 14, 1879	Gildea mine	Do.
Apr. 1, 1879	Gagnere mine and mill site	Tuolumne.
July 9, 1878	Head Light mine	Mono.
Aug. 24, 1878	Henry Clay mine	Amador.
Oct. 8, 1878	Hughes placer mine	Shasta.
Oct. 12, 1878	Hope mine	Los Angeles.
Apr. 12, 1879	Hope mine	Placer.
Apr. 17, 1879	Hurricane quartz mine	Calaveras.
Apr. 21, 1879	Howell gold placer mine	Trinity.
Nov. 13, 1878	Insurance mine	Mono.
Dec. 9, 1878	Independence mine	Tuolumne.
Dec. 9, 1878	Indiana quartz mine	Amador.
Feb. 20, 1879	Independence placer mine	Plumas.
Aug. 31, 1878	José Lagomarcino & Co.'s mine	Sierra.
Jan. 30, 1879	Kenton quartz mine	Do.
Mar. 4, 1879	Knox & Boyle quartz mine	Tuolumne.
Apr. 8, 1879	Kaweah limestone mine	Tulare.
June 27, 1879	Keystone quartz mine	Mono.
July 30, 1878	Live Oak Consolidated quartz mine	Nevada.
Apr. 1, 1879	Lodi quartz mine	Calaveras.
June 3, 1879	Lang & Junkans mine	Trinity.

C.—Statement of surveys of mines in California, &c.—Continued.

Approval of survey.	Name of mine.	Location.
June 5, 1879	Lizzie mine	Mono.
July 9, 1878	Mammoth mine	Do.
July 24, 1878	Morgan Point mine	Del Norte.
Oct. 12, 1878	Maximillian quartz mine	Amador.
Oct. 12, 1878	Mountain Tunnel placer mine	Butte.
Nov. 13, 1878	Monongahela mine	Mono.
Nov. 23, 1878	Monumental placer mine	Plumas.
Jan. 2, 1879	Minerva placer mine	Do.
Jan. 14, 1879	Moore mine	Mono.
Jan. 14, 1879	Molly mine	Do.
Jan. 22, 1879	Magnolia placer mine	Sierra.
Jan. 30, 1879	Montreal placer mine	Nevada.
Feb. 6, 1879	Mammoth Nos. 1 and 2 mines	El Dorado.
Feb. 20, 1879	Mount Zion placer mine	Nevada.
Mar. 4, 1879	Maximillian quartz mine	Amador.
June 27, 1879	Mariposa quicksilver mine	San Benito.
Sept. 25, 1878	Nashville quartz mine	El Dorado.
Oct. 12, 1878	Noonday, Keystone, and East Noonday South mines	Mono.
Jan. 2, 1879	Northern gravel mine	Nevada.
Mar. 26, 1879	New World quartz mine	Kern.
June 27, 1879	Noonday mine	Mono.
June 27, 1879	North California quartz mine	Amador.
Oct. 12, 1878	Orient gold placer mine	Sierra.
Oct. 12, 1878	Omega, Challenge, and Noel mines	Mono.
Nov. 23, 1878	Old Valentine quartz mine	Calaveras.
Feb. 12, 1879	Occidental mine	Tehama.
Mar. 22, 1879	Old Dan mine	Mono.
May 5, 1879	Ophir quartz mine	El Dorado.
July 9, 1878	Pico Oil Springs mine	Los Angeles.
Jan. 14, 1879	Plumas National gold mine	Plumas.
Feb. 12, 1879	Pebble Hill placer mine	El Dorado.
June 5, 1879	Prudhomme quartz mine	Tuolumne.
Oct. 8, 1878	Relief quartz mine and mill site	Kern.
Oct. 8, 1878	Republic and Mammoth mines	Mono.
Oct. 12, 1878	Requeza mine	Do.
Oct. 12, 1878	Relief and Blue Bell mines	Do.
Oct. 31, 1878	Rustler mine	Do.
Feb. 6, 1879	Relief Hill blue lead mine	Nevada.
July 9, 1878	Sardine mine	El Dorado.
Aug. 24, 1878	Sutter quartz mine	Amador.
Oct. 31, 1878	Smartville Consolidated mine	Yuba.
Nov. 13, 1878	Security mine	Mono.
Nov. 13, 1878	Solano mine	Do.
Nov. 13, 1878	San Pedro mine	Do.
Nov. 13, 1878	San Nicolas mine	Do.
Feb. 6, 1879	Sacramento and Bear River placer mine	Nevada.
Mar. 4, 1879	Spring Tunnel, Georgia Point, and South Side mines	Mariposa.
Mar. 22, 1879	Santa Cruz quicksilver mine	San Benito.
Sept. 18, 1878	Thistlethwaite & Harvey mine and Blue Light mine	Kern.
Sept. 18, 1878	Tarantula quartz mine	Tuolumne.
Oct. 8, 1878	Tarshish mine and mill site	Alpine.
Jan. 2, 1879	Tellurium gold and silver quartz mine	Amador.
Apr. 8, 1879	Toon quartz mine	Calaveras.
Mar. 22, 1879	University First Northern Ex. mine	Mono.
Apr. 12, 1879	University gold mine	Do.
June 18, 1879	University mine and mill site	Do.
Sept. 28, 1878	Valentine gold quartz mine	Calaveras.
Feb. 6, 1879	Vaughn quartz mine	Amador.
Jan. 30, 1879	Virginia mine	Mono.
Aug. 12, 1878	Watts Mining Company's mine	Sierra.
Aug. 24, 1878	Wisconsin placer mine	Do.
Aug. 24, 1878	Wisconsin Ex. placer mine	Do.
Oct. 12, 1878	Washington placer mine	Placer.
Jan. 2, 1879	Webber mine	Mono.
Feb. 12, 1879	Wild Cat placer mine	Nevada.
Mar. 26, 1879	Whiskey Slide quartz mine	Calaveras.
Nov. 13, 1878	Yerington mine	Mono.

D.—Statement of number of miles surveyed in California to June 30, 1879.

Name of surveyor.	Date of contract.	Meridian.	Base.	Standard.	Township.	Section.	Meander.	Traverse.	Connecting lines.
		<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>
Miles surveyed to June 30, 1878, as per last report.	.....	802 41 09	404 61 23	5,467 46 09	31,527 08 71	130,098 61 69	2,346 70 40	27 04 75	.....
Anderson, J. M.	July 23, 1878	.....	.....	.....	13 20 00	126 24 02	2 23 06	.....	.....
Brown, D. D.	July 30, 1878	.....	.....	.....	41 70	44 49 56	.....	.....	.....
Do	Apr. 10, 1879	.....	.....	.....	8 00 45	5 00 55	.....	.....	.....
Do	Apr. 10, 1879	.....	.....	.....	.....	7 00 22	.....	.....	.....
Benson & Glover.	Mar. 4, 1875	.....	.....	.....	.....	.....	.....	.....	0 36 55
Branham, James.	July 25, 1878	.....	.....	12 24 56	102 45 18	.....	.....	.....	2 06 15
Benson, J. A.	June 27, 1878	.....	.....	.....	0 18 37	6 07 58	11 58 28	.....	.....
Do	July 10, 1877	.....	.....	.....	5 75 01	53 46 99	3 44 00	.....	.....
Do	June 27, 1878	.....	.....	.....	.....	4 16 74	8 09 24	.....	.....
Do	Aug. 14, 1878	.....	.....	.....	53 00 38	220 33 05	4 37 53	.....	0 16 07
Benson, W. F.	May 25, 1877	.....	.....	0 35 22	4 77 62	39 13 43	12 48 11	.....	.....
Do	June 27, 1878	.....	.....	.....	22 61 49	149 74 78	.....	.....	.....
Do	May 25, 1877	.....	.....	.....	9 33 91	16 32 94	14 56 87	.....	.....
Do	July 23, 1878	.....	.....	8 65 39	63 11 15	230 45 67	62 09 63	.....	1 54 52
Bond, L. D.	July 10, 1877	.....	.....	.....	2 54 24	61 27 62	.....	.....	0 34 05
Do	July 10, 1877	.....	.....	4 00 00	15 23 49	231 18 95	11 00 84	.....	0 41 84
Do	July 23, 1877	.....	.....	.....	28 31 52	144 16 59	.....	.....	0 47 14
Baker, G. W.	July 23, 1878	.....	.....	6 00 00	74 54 00	301 24 96	.....	.....	0 48 01
Baker, P. Y.	Sept. 2, 1878	.....	.....	0 53 76	3 30 56	35 04 21	.....	.....	.....
Creighton, Thomas.	June 26, 1878	.....	.....	6 29 73	16 41 80	60 06 45	.....	.....	.....
Do	Nov. 4, 1879	.....	.....	.....	22 13 18	108 69 71	14 35 30	.....	8 47 32
Chalfant, A.	Sept. 23, 1878	.....	.....	5 79 88	2 76 26	12 69 68	.....	.....	.....
Dewoody, T. J.	June 27, 1878	.....	.....	.....	.....	2 00 37	.....	.....	.....
Doyle, J. M.	Dec. 6, 1878	.....	.....	.....	.....	7 00 82	.....	.....	.....
Egan, Richard.	Dec. 11, 1878	.....	.....	.....	.....	6 72 66	.....	.....	.....
Glover, J. R.	July 11, 1877	.....	.....	.....	12 39 38	228 36 11	.....	.....	3 28 30
Do	Sept. 24, 1877	.....	.....	.....	8 13 21	21 47 91	6 42 01	.....	0 56 70
Do	Sept. 24, 1877	.....	.....	.....	4 60 78	37 29 92	7 45 88	.....	4 45 36
Do	May 26, 1877	.....	.....	.....	88 57 88	316 49 07	.....	.....	2 35 09
Do	Aug. 12, 1877	.....	.....	.....	7 00 10	52 71 74	.....	.....	.....
Do	May 26, 1877	.....	.....	.....	23 10 26	84 07 19	.....	.....	.....
Do	July 23, 1878	.....	.....	11 79 51	5 79 30	60 02 85	.....	.....	.....
Do	Oct. 31, 1876	.....	.....	.....	.....	1 40 28	.....	.....	.....
Do	July 23, 1878	.....	.....	0 15 78	36 72 59	59 50 98	12 78 70	.....	.....
Gorham, L. B.	July 27, 1878	.....	.....	.....	1 00 00	6 33 80	.....	.....	.....
Do	Dec. 30, 1878	.....	.....	.....	14 61 13	38 54 14	8 15 56	.....	0 63 17
Hanson, S. A.	July 10, 1877	.....	.....	.....	0 62 38	31 79 45	.....	.....	1 23 37
Do	July 10, 1878	.....	.....	.....	52 38 09	169 38 90	.....	.....	.....
Do	Aug. 15, 1877	.....	.....	.....	.....	35 39 47	.....	.....	.....
Do	Nov. 2, 1878	.....	.....	.....	21 27 43	107 17 79	.....	.....	3 75 86
Herrmann, A. T.	July 25, 1878	.....	.....	.....	5 69 79	29 28 38	10 76 82	.....	.....
Do	July 25, 1878	.....	.....	.....	11 70 51	14 73 00	9 79 04	.....	.....

D.—Statement of number of miles surveyed in California, &c.—Continued.

Name of surveyor.	Date of contract.	Meridian.	Base.	Standard.	Township.	Section.	Meander.	Traverse.	Connecting line.
		<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i>
Herrick, R. F.	Mar. 2, 1877					15 00 23			
Do	June 26, 1878				3 28 70	3 57 09			
Harris, R. R.	Oct. 24, 1876					10 64 71	6 53 11		1 64 09
Minto, William	June 27, 1878				1 40 00	8 53 30			
Do	June 27, 1878					5 40 00			
McKay, Alex.	Mar. 13, 1878				11 00 00	23 02 33			
Norway, William H.	July 14, 1877						5 40 72		
Do	Sept. 18, 1878				10 40 00	19 73 95	13 46 72		2 46 32
Do	Sept. 3, 1878				4 44 34	57 70 10			4 03 39
Nurse, M. A.	June 26, 1878					00 76 00			
Do	June 26, 1878				1 56 50	14 77 14			
Nichols, R. K.	June 27, 1878				5 79 92	3 40 00			
O'Brien, James	Sept. 18, 1878				22 76 20	344 63 08			2 46 33
Perris, Fred. T.	Nov. 3, 1876				0 10 00	21 07 21	3 13 26		
Putnam, C. F.	July 23, 1878			6 47 78	46 09 62	253 36 76	6 22 44		1 31 61
Reilly, M. F.	Aug. 15, 1877				24 58 39	118 00 95			4 71 48
Do	July 20, 1878				2 00 15	12 05 58			
Do	Aug. 15, 1877				35 22 44	260 38 82			2 39 87
Do	July 20, 1878				1 02 81	22 63 14			0 19 00
Do	July 23, 1878	22 41 53		4 63 50	5 79 46	53 55 20	16 29 23		0 06 08
Do	July 23, 1878			12 22 48	28 78 18	116 02 94			11 44 78
Smith, A. A.	July 29, 1878			4 79 70	0 75 08	307 68 08			6 35 46
Shackelford, H. B.	July 5, 1878				21 01 58	27 71 54			
Spurr, D. F.	Feb. 18, 1878				1 00 00	12 20 00			
Smith, Seth	Aug. 13, 1878				29 25 00				
Sidlinger, J. W.	Aug. 4, 1877			5 76 89	5 41 22	89 25 48			0 51 10
Santee, Milton	July 25, 1878					302 26 63			1 11 83
Woods, James E.	July 18, 1877				4 79 20	17 78 22			
Do	Sept. 13, 1876					5 79 59			
Do	Sept. 14, 1878					9 72 49			
Wheeler, M. G. (reservation)	Apr. 25, 1876								
Total		825 02 62	404 61 23	5,559 00 27	32,540 70 64	135,458 50 78	2,599 56 75	27 04 75	67 10 84

E.—List of lands surveyed in California from June 30, 1878, to June 30, 1879.

No. of townships surveyed.	Description.	Meridian.	Public lands.	A.	B.	C.	D.	E.	F.	Remarks.	Total.	
				Confirmed private land claims.	Military reservation.	Indian reservation.	Unsurveyed mountain land.	River, swamp, and overflowed land.	Unsurveyed public land.			
			Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.		Acres.	
1	Township 4 north, range 26 east..	Mount Diablo.	22,942.63								22,942.63	
2a	Township 5 north, range 24 east..	do	13,903.10				5,911.52				19,814.62	
3a	Township 5 north, range 25 east..	do	19,566.78				320.15				19,886.93	
4	Township 5 north, range 26 east..	do	19,357.76								19,357.76	
5	Township 5 north, range 27 east..	do	14,919.10								14,919.10	
6	Township 6 north, range 24 east..	do	14,871.60				7,990.00	160.00			23,021.60	
7	Township 7 north, range 17 east..	do	17,231.21				5,808.79				23,040.00	
8	Township 7 north, range 18 east..	do	6,760.72				16,279.28				23,040.00	
9	Township 8 north, range 17 east..	do	8,321.84				14,720.00				23,041.84	
10	Township 8 north, range 18 east..	do	5,200.00				17,840.00				23,040.00	
11	Township 9 north, range 18 east..	do	4,136.79				18,560.32			{ Estimated area of West Blue Lake. }	279.33	22,976.44
12	Township 13 north, range 15 east..	do	17,138.50				606.08	360.00				18,104.58
13a	Township 16 north, range 13 east..	do	23,003.74									23,003.74
14	Township 16 north, range 14 east..	do	22,862.41									22,862.41
15a	Township 18 north, range 7 east..	do	22,576.17									22,576.17
16	Township 18 north, range 9 east..	do	23,994.67									23,994.67
17a	Township 18 north, range 13 east..	do	22,701.23							{ Area of French Lake. }	274.73	22,975.96
18	Township 21 north, range 11 east..	do	23,149.87							{ Estimated area of Long Lake. }	24.42	23,174.29
19	Township 21 north, range 12 east..	do	22,473.18							{ Area of Long and Gold Lakes. }	626.55	23,099.73
20a	Township 22 north, range 2 east..	do	18,020.05	5,047.71								23,067.76
21a	Township 22 north, range 3 east..	do	23,079.68									23,079.68
22a	Township 22 north, range 4 east..	do	22,823.16									22,823.16
23a	Township 22 north, range 16 east..	do	23,020.24									23,020.24
24a	Township 24 north, range 2 east..	do	22,772.32									22,772.32

E.—List of lands surveyed in California from June 30, 1878, to June 30, 1879—Continued.

No. of townships surveyed.	Description.	Meridian.	Public lands.	A. Confirmed private land claims.	B. Military reservation.	C. Indian reservation.	D. Unsurveyed mount- ain land.	E. River, swamp, and overflowed land.	F. Unsurveyed public land.	Remarks.	Total.
			<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>		<i>Acres.</i>
25a	Township 24 north, range 4 east..	Mount Diablo	22,925.72	.....	.....	.....	.....	.....	.....	.....	22,925.72
26a	Township 24 north, range 5 east..	do	20,508.18	.....	.....	.....	.....	.....	.....	.....	20,508.18
27a	Township 25 north, range 1 east..	do	23,032.53	.....	.....	.....	.....	.....	.....	.....	23,032.53
28a	Township 25 north, range 2 east..	do	20,348.14	.....	.....	.....	.....	.....	.....	.....	20,807.74
29a	Township 25 north, range 4 east..	do	18,288.77	.....	.....	.....	459.60	.....	.....	.....	22,128.77
30	Township 25 north, range 5 east..	do	19,880.72	.....	.....	.....	3,840.00	.....	.....	.....	19,880.72
31	Township 27 north, range 12 east..	do	22,260.47	.....	.....	.....	.....	1,078.23	.....	.....	23,338.70
32	Township 28 north, range 11 east..	do	23,780.88	.....	.....	.....	.....	.....	.....	.....	23,780.88
33	Township 29 north, range 2 east..	do	20,877.74	.....	.....	.....	.....	.....	.....	.....	20,877.74
34	Township 29 north, range 10 east..	do	22,910.59	.....	.....	.....	.....	.....	.....	.....	22,910.59
35	Township 29 north, range 11 east..	do	23,435.34	.....	.....	.....	.....	.....	.....	.....	23,435.34
36a	Township 30 north, range 12 east..	do	22,792.95	.....	.....	.....	.....	.....	.....	.....	22,792.95
37	Township 30 north, range 14 east..	do	23,418.66	.....	.....	.....	.....	.....	.....	.....	23,418.66
38	Township 30 north, range 15 east..	do	20,087.87	.....	.....	.....	.....	2,640.00	.....	.....	22,727.87
39	Township 31 north, range 13 east..	do	13,705.59	.....	.....	.....	8,573.78	709.81	.....	.....	22,989.18
40	Township 31 north, range 17 east..	do	21,788.99	.....	.....	.....	.....	.....	.....	.....	21,788.99
41	Township 32 north, range 17 east..	do	21,148.29	.....	.....	.....	.....	604.95	.....	.....	21,753.24
42	Township 33 north, range 4 east..	do	6,732.22	.....	.....	.....	16,337.78	.....	.....	.....	23,070.00
43	Township 33 north, range 17 east..	do	21,857.87	.....	.....	.....	.....	.....	.....	.....	21,857.87
44	Township 34 north, range 4 east..	do	18,386.29	.....	.....	.....	5,500.00	.....	.....	.....	23,886.29
45	Township 36 north, range 13 east..	do	23,062.64	.....	.....	.....	.....	.....	.....	.....	23,062.64
46	Township 38 north, range 6 east..	do	22,608.76	.....	.....	.....	.....	.....	.....	.....	23,608.76
47	Township 39 north, range 5 east..	do	16,635.32	.....	.....	.....	6,382.36	.....	.....	.....	23,017.68
48a	Township 39 north, range 6 east..	do	21,275.01	.....	.....	.....	.....	1,123.00	.....	.....	22,398.01
49	Township 40 north, range 5 east..	do	23,309.84	.....	.....	.....	.....	.....	.....	.....	23,309.84
50	Township 41 north, range 5 east..	do	6,553.04	.....	.....	.....	16,454.80	.....	.....	.....	23,007.84
51	Township 1 north, range 2 west..	do	70.46	22,993.54	.....	.....	.....	.....	.....	.....	23,064.00
52	Township 3 north, range 8 west..	do	36.51	23,348.85	.....	.....	.....	.....	.....	.....	23,385.36
53a	Township 4 north, range 8 west..	do	4,155.19	19,182.17	.....	.....	.....	.....	.....	.....	23,337.36
54a	Township 4 north, range 9 west..	do	4,674.65	A	.....	.....	.....	.....	.....	{ A + of Tomales Bay. A + D }	18,418.63
55	Township 8 north, range 4 west..	do	963.33	A	.....	.....	D	.....	.....	.....	23,100.00

56a	Township 8 north, range 7 west	do	23, 131. 47	376. 00							23, 507. 47	
57	Township 11 north, range 3 west	do	15, 802. 43	7, 492. 47							23, 294. 90	
58a	Township 12 north, range 3 west	do	11, 971. 70	A			D		A + D	11, 430. 00	23, 401. 70	
59a	Township 12 north, range 9 west	do	5, 360. 00				17, 461. 58				22, 821. 58	
60	Township 13 north, range 4 west	do	7, 408. 91				15, 051. 28				22, 460. 19	
61a	Township 13 north, range 7 west	do	17, 798. 96				1, 280. 00		Estimated area of lakes and creek.	3, 919. 08	22, 998. 04	
62a	Township 13 north, range 16 west	do	18, 723. 50				4, 282. 36					23, 005. 86
63a	Township 15 north, range 5 west	do	20, 224. 12				1, 856. 00	2, 200. 00				24, 280. 12
64a	Township 16 north, range 5 west	do	20, 046. 22				2, 778. 44				22, 824. 66	
65a	Township 17 north, range 2 west	do	11, 234. 68	A			935. 00		A + area of Sac- ramento River.	11, 117. 00	23, 286. 68	
66	Township 17 north, range 8 west	do	22, 920. 61				120. 00					23, 040. 61
67	Township 17 north, range 9 west	do	23, 013. 94									23, 013. 94
68a	Township 17 north, range 12 west	do	19, 301. 89	3, 061. 00							22, 362. 89	
69a	Township 18 north, range 2 west	do	8, 094. 23	15, 360. 00							23, 454. 23	
70a	Township 18 north, range 6 west	do	22, 657. 14								22, 657. 14	
71	Township 18 north, range 8 west	do	8, 775. 86				14, 219. 84				22, 995. 70	
72	Township 18 north, range 9 west	do	9, 087. 90				13, 909. 92				22, 997. 82	
73	Township 18 north, range 10 west	do	18, 056. 45								18, 056. 45	
74a	Township 19 north, range 2 west	do	6, 622. 04	17, 160. 00							23, 782. 04	
75	Township 19 north, range 10 west	do	12, 014. 55				6, 074. 96				18, 089. 51	
76	Township 20 north, range 10 west	do	13, 331. 11				5, 120. 00				18, 451. 11	
77	Township 21 north, range 10 west	do	19, 198. 20								19, 198. 20	
78	Township 22 north, range 10 west	do	17, 601. 88				1, 600. 00				19, 201. 88	
79a	Township 22 north, range 12 west	do	23, 073. 74								23, 073. 74	
80a	Township 22 north, range 15 west	do	20, 978. 17				2, 080. 84				23, 059. 01	
81	Township 23 north, range 10 west	do	22, 864. 76								22, 864. 76	
82	Township 23 north, range 8 west	do	22, 513. 55				480. 00				22, 993. 55	
83	Township 23 north, range 10 west	do	19, 211. 64								19, 211. 64	
84	Township 23 north, range 14 west	do	9, 045. 52	11, 171. 25			268. 60				20, 485. 67	
85	Township 24 north, range 8 west	do	22, 901. 28								22, 901. 28	
86	Township 24 north, range 10 west	do	13, 760. 78				5, 444. 80				19, 205. 56	
87	Township 25 north, range 8 west	do	22, 175. 70								22, 175. 70	
88	Township 25 north, range 10 west	do	3, 881. 38				14, 924. 20				18, 805. 58	
89a	Township 26 north, range 5 west	do	22, 973. 25								22, 973. 25	
90	Township 26 north, range 7 west	do	17, 118. 28				5, 918. 28				23, 036. 56	
91	Township 26 north, range 8 west	do	7, 840. 00				15, 200. 00				23, 040. 00	
92a	Township 29 north, range 1 west	do	22, 894. 92								22, 894. 92	
93a	Township 29 north, range 6 west	do	23, 028. 21								23, 028. 21	
94a	Township 30 north, range 1 west	do	23, 397. 10								23, 397. 10	
95a	Township 31 north, range 1 west	do	23, 059. 05								23, 059. 05	
96a	Township 31 north, range 2 west	do	23, 027. 85								23, 027. 85	
97a	Township 32 north, range 1 west	do	23, 056. 10								23, 056. 10	
98a	Township 44 north, range 7 west	do	9, 613. 62				13, 426. 38				23, 040. 00	
99	Township 3 south, range 27 east	do	2, 400. 00				20, 640. 00				23, 040. 00	
100	Township 4 south, range 27 east	do	3, 122. 40				19, 917. 60				23, 040. 00	
101	Township 6 south, range 20 east	do	12, 269. 82				10, 921. 88				23, 191. 70	

E.—List of lands surveyed in California from June 30, 1878, to June 30, 1879—Continued.

No. of townships surveyed.	Description	Meridian.	Public lands.	A.	B.	C.	D.	E.	F.	Remarks.	Total.
				Confirmed private land claims.	Military reservation.	Indian reservation.	Unsurveyed mountain land.	River, swamp, and overflowed land.	Unsurveyed public land.		
			<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>		<i>Acres.</i>
102	Township 7 south, range 22 east..	Mount Diablo.	21,813.52	.....	.....	.....	1,331.00	.....	.....	.....	23,144.52
103	Township 8 south, range 22 east....do	.....do	23,142.52	.....	.....	.....	.....	.....	.....	.....	23,142.52
104	Township 8 south, range 23 east....do	.....do	18,027.26	.....	.....	.....	5,114.75	.....	.....	.....	23,142.01
105	Township 9 south, range 20 east....do	.....do	23,045.22	.....	.....	.....	.....	.....	.....	.....	23,045.22
106	Township 9 south, range 21 east....do	.....do	23,053.62	.....	.....	.....	.....	.....	.....	.....	23,053.62
107	Township 9 south, range 22 east....do	.....do	17,059.69	.....	.....	.....	6,080.00	.....	.....	.....	23,139.69
108a	Township 10 south, range 6 east....do	.....do	6,815.53	16,771.21	.....	.....	920.00	.....	.....	.....	24,506.74
100	Township 10 south, range 7 east....do	.....do	3,637.82	19,900.00	.....	.....	.....	.....	.....	.....	23,537.82
110	Township 10 south, range 21 east....do	.....do	22,527.78	.....	.....	.....	.....	.....	.....	{ Area of San Joaquin River. }	22,779.57
111a	Township 10 south, range 22 east....do	.....do	18,059.95	.....	.....	.....	4,913.63	.....	.....		22,973.58
112a	Township 13 south, range 24 east....do	.....do	22,397.34	.....	.....	.....	D	.....	.....	{ D + area of King's River. }	23,441.10
113	Township 14 south, range 27 east....do	.....do	22,958.97	.....	.....	.....	.....	.....	.....		22,958.97
114	Township 20 south, range 14 east....do	.....do	23,150.88	.....	.....	.....	.....	.....	.....	.....	23,150.88
115a	Township 20 south, range 29 east....do	.....do	22,999.40	.....	.....	.....	.....	.....	.....	.....	22,999.40
116	Township 20 south, range 30 east....do	.....do	23,143.29	.....	.....	.....	.....	.....	.....	.....	23,143.29
117a	Township 21 south, range 29 east....do	.....do	22,772.23	.....	.....	189.23	.....	.....	.....	.....	22,961.46
118	Township 22 south, range 9 east....do	.....do	6,145.89	1,720.00	.....	.....	15,260.00	.....	.....	.....	23,125.89
119a	Township 22 south, range 10 east....do	.....do	17,291.74	5,671.11	.....	.....	.....	.....	.....	.....	22,962.85
120	Township 22 south, range 29 east....do	.....do	16,739.33	.....	.....	6,436.41	.....	.....	.....	.....	23,175.74
121	Township 23 south, range 4 east....do	.....do	424.33	.....	.....	.....	.....	.....	.....	.....	424.33
122	Township 23 south, range 30 east....do	.....do	14,587.11	.....	.....	.....	7,239.62	.....	.....	.....	21,826.73
123	Township 24 south, range 5 east....do	.....do	5,067.15	.....	.....	.....	2,080.00	.....	.....	.....	7,147.15
124	Township 24 south, range 31 east....do	.....do	14,727.82	.....	.....	.....	8,355.22	.....	.....	.....	23,083.04
125a	Township 25 south, range 29 east....do	.....do	23,088.95	.....	.....	.....	.....	.....	.....	.....	23,088.95
126	Township 25 south, range 31 east....do	.....do	17,068.57	.....	.....	.....	4,960.00	.....	.....	.....	22,028.57
127	Township 26 south, range 31 east....do	.....do	15,126.00	.....	.....	.....	6,734.40	.....	.....	.....	21,860.40
128	Township 27 south, range 32 east....do	.....do	2,886.00	.....	.....	.....	16,960.00	.....	.....	.....	19,846.00
129	Township 28 south, range 31 east....do	.....do	10,086.14	.....	.....	.....	13,031.84	.....	.....	.....	23,118.98
130	Township 28 south, range 32 east....do	.....do	18,403.02	.....	.....	.....	4,641.48	.....	.....	.....	23,044.50
131	Township 28 south, range 33 east....do	.....do	13,923.71	.....	.....	.....	9,120.00	.....	.....	.....	23,043.71

132	Township 29 south, range 31 east...	do	18,189.11		4,805.76				22,994.87
133	Township 29 south, range 47 east...	do	589.52				13,974.64		14,564.16
134	Township 30 south, range 47 east...	do	1,748.02				12,821.90		14,569.92
135	Township 31 south, range 14 east...	do	3,024.57	A	D			A + D.	23,040.00
136	Township 31 south, range 47 east...	do	3,201.31				11,417.57	20,015.43	14,618.88
137	Township 32 south, range 47 east...	do	3,189.08				11,635.73		14,824.81
138	Township 1 south, range 2 west...	do	13,605.01	10,250.99					23,856.00
139	Township 2 south, range 2 west...	do	8,081.83	15,007.45					23,089.28
140	Township 1 north, range 3 west...	San Bernardino	3,507.59	A	D			A + D.	23,040.00
141	Township 1 north, range 4 west...	do	1,486.96	A	D			A + D.	23,040.00
142a	Township 2 north, range 21 west...	do	2,388.12	20,508.22					22,896.34
143a	Township 3 north, range 21 west...	do	8,845.89	13,951.52			240.00		23,037.41
144a	Township 4 north, range 21 west...	do	11,738.21	6,130.00		4,520.00			22,388.21
145	Township 5 north, range 23 west...	do	5,384.54	56.10		17,250.00			22,690.64
146	Township 5 north, range 24 west...	do	2,240.00			20,450.00			22,690.00
147	Township 2 south, range 23 east...	do	7,293.90	A	D			A + D + Colorado River.	15,812.00
148	Township 3 south, range 23 east...	do	11,781.08		6,559.00	520.00		Area of Colorado River.	18,860.08
149	Township 4 south, range 23 east...	do	8,437.93		D	E		D + E	10,926.95
150a	Township 5 south, range 23 east...	do	5,970.47			2,540.50	F	F + area of Colorado River.	14,229.53
151a	Township 5 south, range 24 east...	do	565.84			404.37	F	F + area of Colorado River.	1,174.64
152	Township 8 south, range 22 east...	do	20,040.18			600.00		Area of Colorado River.	20,640.18
153	Township 9 south, range 22 east...	do	1,567.84			918.00		Area of Colorado River.	2,485.84
154	Township 10 south, range 22 east...	do	391.35			175.00		Area of Colorado River.	566.35
155	Township 11 south, range 22 east...	do	4,790.19			540.00		Area of Colorado River.	5,330.16
156	Township 12 south, range 22 east...	do	1,280.59				F	F + area of Colorado River.	1,044.90
157	Township 13 south, range 22 east...	do	5,941.73				F	F + area of Colorado River.	8,204.64
158	Township 13 south, range 23 east...	do	3,005.10				F	F + area of Colorado River.	6,830.00
159	Township 14 south, range 23 east...	do	800.59		22,240.00				23,040.59
160	Township 15 south, range 24 east...	do	5,013.58			515.00		Area of Colorado River.	5,528.58
161a	Township 7 south, range 8 west...	do	8,754.46	14,236.70					22,991.16
162	Township 10 north, range 1 east...	Humboldt	19,794.93					Area of lagoons.	812.19
163	Township 11 north, range 1 east...	do	3,527.88				12,942.85		16,770.73
164a	Township 1 south, range 4 east...	do	23,061.34						23,061.34

E.—List of lands surveyed in California from June 30, 1878, to June 30, 1879—Continued.

No. of townships surveyed.	Description.	Meridian.	Public lands.	A.	B.	C.	D.	E.	F.	Remarks.	Total.
				Confirmed private land claims.	Military reservation.	Indian reservation.	Unsurveyed mountain land.	River, swamp, and overflowed land.	Unsurveyed public land.		
165a	Township 1 south, range 2 west	Humboldt	<i>Acres.</i> 23, 183. 88	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>		23, 183. 88
166a	Township 2 south, range 2 west	do	21, 117. 44				1, 920. 00				23, 037. 44
	Aggregate		2,460,928.34	240,396.29		6,625.64	522,928.12	16,143.86	63,032.69	189,657.69	3,514,712.63
a	Township 5 north, range 24 east	Mount Diablo	5,760.00				14,189.00				19,949.00
a	Township 5 north, range 25 east	do	9,920.00				13,120.00				23,040.00
a	Township 16 north, range 13 east	do	3,521.90				19,524.02				23,046.00
a	Township 18 north, range 7 east	do	4,000.00						19,040.00		23,040.00
a	Township 18 north, range 13 east	do	12,167.92						10,880.00		23,047.92
a	Township 22 north, range 2 east	do	4,178.77	A			D			A + D	22,998.77
a	Township 22 north, range 3 east	do	14,811.84				8,267.99				23,079.83
a	Township 22 north, range 4 east	do	5,440.00				17,600.00				23,040.00
a	Township 22 north, range 16 east	do	11,660.24				11,360.00				23,020.24
a	Township 24 north, range 2 east	do	4,005.52				18,940.00				22,945.52
a	Township 24 north, range 4 east	do	16,541.74				6,400.00				22,941.74
a	Township 24 north, range 5 east	do	12,803.16				10,271.60				23,074.76
a	Township 25 north, range 1 east	do	11,883.36				11,205.00				23,088.36
a	Township 25 north, range 2 east	do	5,920.00						15,090.00		21,010.00
a	Township 25 north, range 4 east	do	18,168.35				8,950.00				22,118.35
a	Township 30 north, range 12 east	do	8,599.46				14,315.84				22,915.30
a	Township 39 north, range 6 east	do	4,964.88				18,075.12				23,040.00
a	Township 4 north, range 8 west	do	2,083.18	21,254.18							23,337.36
a	Township 4 north, range 9 west	do	5,461.88	A				E		A + E	23,093.28
a	Township 8 north, range 7 west	do	5,145.87	376.00			17,830.00				23,351.87
a	Township 12 north, range 3 west	do	8,240.00	A			D			A + D	23,040.00
a	Township 12 north, range 9 west	do	1,920.00				21,040.00				22,960.00
a	Township 13 north, range 7 west	do	15,558.96				3,520.00			Area of lake and Cacho Creek } 3,919.08	22,998.04
a	Township 13 north, range 16 west	do	18,243.50				4,762.36				23,005.86
a	Township 15 north, range 5 west	do	17,024.12				5,056.00	2,200.00			24,280.12

a	Township 16 north, range 5 west	do	20,046.22	A		2,778.44				22,824.66
a	Township 17 north, range 2 west	do	11,051.72				1,078.00	A + River	10,974.00	23,103.74
a	Township 17 north, range 12 west	do	3,680.00			19,326.16				23,006.16
a	Township 18 north, range 2 west	do	7,789.71	15,360.00						23,149.71
a	Township 18 north, range 6 west	do	18,815.34					3,840.00		22,655.34
a	Township 19 north, range 2 west	do	6,051.88	17,160.00						23,211.88
a	Township 22 north, range 12 west	do	16,993.33			6,103.61				23,096.94
a	Township 22 north, range 15 west	do	17,441.17			5,617.84				23,059.01
a	Township 26 north, range 5 west	do	16,929.72			6,110.28				23,040.00
a	Township 29 north, range 1 west	do	6,178.14			16,716.00				22,894.14
a	Township 29 north, range 6 west	do	9,290.66			13,753.10				23,043.76
a	Township 30 north, range 1 west	do	8,673.08			14,227.52				22,900.60
a	Township 31 north, range 1 west	do	12,155.12			10,865.50				23,020.92
a	Township 31 north, range 2 west	do	9,092.78			13,882.20				22,974.98
a	Township 32 north, range 1 west	do	21,455.21			1,603.60				23,058.81
a	Township 44 north, range 7 west	do	1,440.00			21,600.00				23,040.00
a	Township 10 south, range 6 east	do	6,586.74	16,700.00		1,220.00				24,506.74
a	Township 10 south, range 22 east	do	13,440.00			9,600.00				23,040.00
a	Township 13 south, range 24 east	do	3,182.35			D		{ D + area of King's River }	19,857.65	23,040.00
a	Township 20 south, range 29 east	do	15,883.14		608.42	6,488.06				22,979.62
a	Township 21 south, range 29 east	do	16,341.16		6,610.40					22,951.56
a	Township 22 south, range 10 east	do	12,928.93	A		D		A + D	10,033.92	22,962.85
a	Township 25 south, range 29 east	do	11,542.65			11,558.40				23,101.08
a	Township 2 north, range 21 west	San Bernardino	2,156.34	A		D		A + D	20,740.00	22,896.34
a	Township 3 north, range 21 west	do	1,747.41	A		D		A + D	21,290.00	23,037.41
a	Township 4 north, range 21 west	do	1,318.97	A		D		A + D	21,720.00	20,038.97
a	Township 5 south, range 23 east	do	160.00				2,540.50	F	{ F + Colorado River }	20,040.00
a	Township 5 south, range 24 east	do	240.48				404.37	F	{ F + Colorado River }	1,500.00
a	Township 7 south, range 8 west	do	7,015.29	A		D		A + D	15,960.00	2,144.85
a	Township 1 south, range 4 east	Humboldt	18,496.45							22,975.29
a	Township 1 south, range 2 west	do	21,241.28			1,958.40		4,533.00		23,029.45
a	Township 2 south, range 2 west	do	16,007.42			7,040.40				23,199.68
a	Returned in previous reports		556,397.42	70,850.18	7,218.82	394,876.74	6,222.87	53,383.00	199,286.05	1,288,235.08
a	Aggregate brought forward		2,466,928.34	249,396.29	6,625.64	522,928.12	16,143.86	63,032.69	189,657.69	3,514,712.63
a	Returned in previous reports		556,397.42	70,850.18	7,218.82	394,876.74	6,222.87	53,383.00	199,286.05	1,288,235.08
	Total		1,910,530.92	178,546.11	—593.18	128,051.38	9,920.99	9,649.69	—9,628.36	2,226,477.55

RECAPITULATION.

Acres public land surveyed	1, 910, 530.92
Acres, as per column A	178, 546.11
Acres, as per column D	128, 051.38
Acres, as per column E	8, 920.90
Acres, as per column F	9, 649.60
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Deduct sum of minus quantities in column C and remarks	2, 238, 689.09
	10, 221.54
<hr/>	<hr/>
Aggregate	2, 228, 477.55

F.—Plats made in the office of the United States surveyor general for California during the fiscal year 1879.

Description.	Originals.	Department.	Register.	Posting plats.	Skeleton maps.	Diagrams for deputies.	Total.
Maps of township exteriors	17	18					35
Subdivision maps and diagrams	184	185	186				555
Plats of private grants, compilation, and tracing of de- seños	25	53					78
Plats of mining claims	162	151	159	199			671
Skeleton plats accompanying plats of private grants for patent					79		79
Diagrams for deputy surveyors in the field						127	127
	388	407	345	199	79	127	1,545

G.—Statement of transcripts of field notes of public surveys sent to the department at Washington from the office of the United States surveyor general for California during the fiscal year 1878-79.

Name of deputy.	Date of con- tract.	Number of transcripts.	When sent.
Anderson, J. M	July 23, 1878	4	Jan. 25, 1879
Bond, L. D	July 10, 1877	1	July 25, 1878
Do	July 10, 1877	8	Jan. 24, 1879
Do	July 23, 1878	4	May 17, 1879
Benson, W. F	May 25, 1877	1	July 29, 1878
Do	June 27, 1878	4	Sept. 7, 1878
Do	May 25, 1877	2	Apr. 12, 1879
Do	July 23, 1878	16	May 22, 1879
Benson, J. A	June 27, 1878	1	Aug. 12, 1878
Do	July 10, 1877	3	Aug. 24, 1878
Do	June 27, 1878	1	Aug. 28, 1878
Do	June 27, 1878	1	Oct. 7, 1878
Do	Aug. 14, 1878	8	Dec. 12, 1878
Brown, D. D	July 30, 1878	1	Nov. 2, 1878
Do	Apr. 10, 1879	2	May 16, 1879
Do	Apr. 10, 1879	1	May 16, 1879
Baker, G. W	July 23, 1878	9	Dec. 30, 1878
Branham, James	July 25, 1878	3	Jan. 20, 1879
Baker, P. Y	Sept. 2, 1878	1	Feb. 27, 1879
Do	Sept. 2, 1878	1	Feb. 28, 1879
Creighton, Thomas	July 26, 1878	2	Oct. 23, 1878
Do	Nov. 4, 1879	2	June 5, 1879
Chalfant, A	Sept. 23, 1878	1	June 12, 1879
Dewoody, T. J	June 27, 1878	1	Feb. 20, 1879
Doyle, J. M	Dec. 6, 1878	1	Apr. 24, 1879
Egan, Richard	Dec. 11, 1878	1	Mar. 26, 1879
Glover, J. R	July 11, 1877	4	July 3, 1878
Do	Sept. 24, 1877	2	July 8, 1878
Do	July 11, 1877	1	July 29, 1878
Do	Sept. 24, 1877	1	July 31, 1878
Do	Aug. 13, 1877	1	Aug. 10, 1878
Do	May 26, 1877	11	Aug. 10, 1878
Do	May 26, 1877	3	Aug. 28, 1878
Do	July 23, 1878	3	Sept. 21, 1878
Do	Oct. 31, 1878	1	Oct. 30, 1878
Do	July 23, 1878	2	Nov. 14, 1878
Gans, A. E. (instructions)	Feb. 15, 1879	1	June 26, 1879
Goldsworthy, John (instructions)	Aug. 15, 1871	1	Nov. 27, 1878
Gorham, L. B	July 27, 1878	2	Dec. 27, 1878
Do	Dec. 30, 1878	2	June 17, 1879
Harris, R. R	Oct. 24, 1876	1	Jan. 31, 1879
Herrmann, A. T	July 25, 1878	1	May 27, 1879
Do	July 25, 1878	1	May 6, 1879
Herrick, R. F	June 26, 1878	1	June 9, 1879
Do	Mar. 2, 1877	1	June 19, 1879
Hanson, S. A	July 10, 1877	5	Aug. 12, 1878
Do	July 10, 1877	6	Sept. 10, 1878
Do	Nov. 25, 1878	1	Nov. 25, 1878
Do	Nov. 2, 1878	4	May 14, 1879

G.—Statement of transcripts of field notes of public surveys, &c.—Continued.

Name of deputy.	Date of contract.	Number of transcripts.	When sent.
McKay, Alexander.....	Mar. 13, 1878	2	July 10, 1878
Minto, William.....	June 27, 1878	1	Mar. 29, 1879
Do.....	June 27, 1878	2	Mar. 29, 1879
Nurse, M. A.....	June 26, 1878	1	Aug. 8, 1878
Do.....	June 27, 1878	1	Aug. 27, 1878
Nichols, R. K.....	June 27, 1878	1	Nov. 15, 1878
Norway, William H.....	Sept. 3, 1878	3	Feb. 3, 1879
Do.....	Sept. 18, 1878	2	June 27, 1879
O'Brien, James.....	Sept. 18, 1878	11	Feb. 14, 1879
Perris, F. T.....	Nov. 3, 1876	2	Aug. 30, 1878
Reilly, M. F.....	Aug. 15, 1877	2	July 17, 1878
Do.....	Aug. 15, 1877	8	Oct. 5, 1878
Do.....	July 20, 1878	1	Oct. 14, 1878
Do.....	July 20, 1878	1	Nov. 22, 1878
Do.....	July 23, 1878	4	Mar. 26, 1879
Do.....	July 23, 1878	6	June 20, 1879
Spurr, D. F.....	Feb. 18, 1878	1	July 16, 1878
Sidlinger, J. W.....	Aug. 4, 1877	3	Feb. 3, 1879
Santee, Milton.....	July 25, 1878	5	Feb. 27, 1879
Shackelford, H. B.....	July 5, 1878	1	Apr. 21, 1879
Smith, A. A.....	July 29, 1878	7	May 1, 1879
Woods, James E.....	Sept. 13, 1877	1	Aug. 6, 1878
Do.....	July 18, 1877	1	Aug. 6, 1878
Do.....	Sept. 14, 1878	1	Dec. 19, 1878
Wheeler, M. G.....	Apr. 25, 1876	1	Aug. 24, 1878
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H.—Statement of descriptive notes, decrees of court, &c., of private land claims transmitted to the department at Washington during the fiscal year 1878-'79.

When sent.	Papers transmitted.	Name of claim.	To whom confirmed.
July 1, 1878	Traced copy of espediente; copies of final decree of confirmation; order vacating appeal; instructions to Deputy Surveyor J. E. Terrell, and protest of Diego Olivera; copy of translation of juridical possession; tracing to accompany Nugent's affidavit; deposition of Vicente A. Torras; deposition of S. B. Brinkerhoff; petition for amended survey; affidavit of G. Howard Thompson.	Guadalupe.....	D. Olivera <i>et al.</i>
July 3, 1878	Statement on appeal, and brief of appellant, O. S. Hough, from Commissioner's decision of April 13, 1878; Van Dyke & Wells, attorneys.	Laguna do los Palos Colorados.	The heirs and legal representatives of Juan Bernal and Joaquin Moraga, both deceased.
July 10, 1878	Petition for survey; authorities in support of said petition, and order of surveyor general denying petition; Mhoon & Wise, attorneys.	Los Putos.....	Vaca and Peña.
July 12, 1878	Surveyor general's report; certified copies of decree of confirmation United States district court; order vacating appeal; instructions to Deputy Surveyor William J. Lewis; Lewis's field notes; consent of claimant, Tamalpais Rancho, to eastern boundary of this rancho as run by Lewis, April 2, 1856; opinion of surveyor general, May 10, 1858; letter United States attorney, May 20, 1876; J. B. Howard appears by his permission.	Saucelito.....	Heirs of William A. Richardson.
July 23, 1878	Plat of survey; descriptive notes, skeleton maps, decrees, &c.; costs of office work defrayed by claimants under provisions of section 6 of the act of July 1, 1864.	Jurupa.....	Abel Stearns.

H.—Statement of descriptive notes, decrees of court, &c.—Continued.

When sent.	Papers transmitted.	Name of claim.	To whom confirmed.
July 29, 1878	Certified copy of the record of proceedings before the United States district court.	Saucelito.....	Heirs of William A. Richardson.
July 12, 1878	Notice from J. B. Howard that J. T. Humphreys has been substituted in his stead as attorney for Stephen Richardson et al., dated March 31, 1876, filed March 2, 1877; letter J. T. Humphreys, March 3, 1877, inclosing order and decree of United States district court of February 28, 1877; order United States district court to return survey to surveyor general February 28, 1877; notice from S. R. Throckmorton to surveyor general; copy of deed from J. T. Stocker, sheriff, to S. R. Throckmorton, September 8, 1855; copy of deed from William A. Richardson et al. to S. R. Throckmorton, February 9, 1856; copy of deed from Val. D. Doub to Edward F. Stone, December 7, 1863; copy of deed from Edward F. Stone to S. R. Throckmorton, February 25, 1865; communication from S. R. Throckmorton to surveyor general, March 2, 1877; opinion of court February 26, 1877; letter from Manuel Torres to J. T. Humphreys requesting him to appear as attorney for executors, March 12, 1877; appearance of John T. Humphreys as attorney for Manuel Torres, &c., filed March 12, 1877; surveyor general's letter to Commissioner of the General Land Office, October 8, 1877, transmitting papers; letter Commissioner of General Land Office, October 24, 1877—wants copies of decrees, &c., as basis for decision; letter surveyor general to Commissioner of General Land Office, October 9, 1877—requests return of letter from Torres to Humphreys, transmitted October 8, 1877; letter Commissioner General Land Office, returning letter from Torres to Humphreys; order dismissing petition of Hilaria Reed; order denying leave to United States to file objections to survey or to contest the same, and further order directing plat of survey to be returned to surveyor general February 28, 1877; motion and decree United States district court, suggesting the death of claimant, and substituting the heirs as claimants, September 22, 1875; brief of John B. Howard; brief of John B. Howard and John B. Felton; order to return survey to district court, October 31, 1860; letter from S. R. Throckmorton to surveyor general, applying for a return of the papers sent up October 8, 1877, dated November 18, 1877; letter surveyor general to Commissioner of General Land Office, November 21, 1877, requesting return of said papers; letter Commissioner General Land Office, December 20, 1877, returning papers; schedule of papers accompanying Commissioner's letter; bill Sonoma County Journal for advertising, October 5, 1860, to October 26, 1860; certificate of clerk of United States district court that no proceedings have been had since order of February 28, 1877, was filed and entered, filed March 9, 1878; telegram from Commissioner of General Land Office, July 10, 1878, ordering action suspended in Saucelito	.....do	Do.

H.—Statement of descriptive notes, decrees of court, &c.—Continued.

When sent.	Papers transmitted.	Name of claim.	To whom confirmed.
July 12, 1878	case; telegram from surveyor general to Commissioner, July 10, 1878, to suspend will complicate matters—asking further instructions; telegram Commissioner to surveyor general, July 11, 1878: "Obey telegram of yesterday"; telegram of honorable Secretary of the Interior, July 12, 1878—transmit all papers in case, with full report; copy San Francisco Chronicle of July 6, 1878; copy San Rafael Herald of July 6, 1878; Van Dyke's appearance and protest; notice fixing time for hearing; copy map of survey; copy of grant; Van Dyke's objections; record of advertisement under act of June 14, 1860; order substituting the heirs of Richardson; abstract from court.	Saucelito	Heirs of William A. Richardson.
Aug. 8, 1878	Plat of survey, skeleton maps, descriptive notes, copy decree of confirmation, copy of order giving claimants leave to proceed as under final decree, and certificate of advertisement.	Saucelito	Heirs of William A. Richardson.
Aug. 10, 1878	Data relative to suspension of lands supposed to be within the claimed limits of the rancho in township 8 north, ranges 4, 5, and 6 east.	New Helvetia	
Sept. 3, 1878	Communication from L. Aldrich, attorney for Otto H. Frank, relative to application for publication of survey under act of July 1, 1864, with Exhibits A, B, and C.	Napa (part)	Otto H. Frank.
Sept. 7, 1878	Certified copy of record of advertisement under act of 1864.	Cabeza de Santa Rosa	Juana de Jesus Mal-lagh.
Sept. 7, 1878	do	do	John Hendley.
Sept. 7, 1878	do	do	Meyer & Isham.
Sept. 16, 1878	Appeal of B. S. Brooks, attorney for claimant, from Commissioner's order of July 8, 1878, denying Mr. Brooks' application for approval of survey and issuance of patent.	Part of Entre Napa, or Rincon de los Carneros.	Marta Frias de Higuera.
Sept. 30, 1878	Plat of survey; descriptive notes; 3 skeleton maps; decrees of court, &c.	La Boca de la Cañada del Pinole.	Maria Manuela Valencia.
Oct. 10, 1878	Corrected and authenticated plat of survey and descriptive notes, and decrees of court.	Cabeza de Santa Rosa	Meyer & Isham.
Nov. 9, 1878	Descriptive notes and decrees (received with Commissioner's letter of 1st instant); certificate of clerk of district court relative to proceedings, and copy of order to return survey.	La Boca de la Cañada del Pinole.	M. M. Valencia.
Nov. 16, 1878	Copy of order of district court vacating and dismissing proceedings in relation to survey, &c., and letter asking for instructions relative to application of parties in interest to publish survey under act of 1864.	Cabeza de Santa Rosa.	James Eldredge.
Nov. 19, 1878	Report of H. J. Stevenson on improvements, &c.	Boca de Santa Monica	Ysidro Reyes.
Nov. 21, 1878	Plat of survey amended; descriptive notes; decrees of court authenticated.	Cabeza de Santa Rosa	Juana de Jesus Mal-lagh.
Nov. 21, 1878	do	do	John Hendley.
Nov. 26, 1878	Connected diagram of the final surveys of ranchos San Antonio, San Pablo, Pinole, La Boca de la Cañada del Pinole, Laguna de los Palos Colorados, and Acalanes, showing as near as practicable the original granted limits.	El Sobrante	J. J. and V. Castro.
Dec. 3, 1878	Plat of survey; 2 skeleton maps; descriptive notes, &c. (Costs of office work defrayed by claimants under the provisions of section 6 of the act of July 1, 1864.)	Sonlajule	George N. Cornwall.
Dec. 3, 1878	do	do	Lewis D. Watkins.
Dec. 3, 1878	do	do	Martin F. Gormley.
Dec. 3, 1878	Plat of survey; 1 skeleton map; descriptive notes, &c. (Costs of office work defrayed by claimants under the provisions of section 6 of the act of July 1, 1864.)	do	Pedro J. Vasquez.

H.—Statement of descriptive notes, decrees of court, &c.—Continued.

When sent.	Papers transmitted.	Name of claim.	To whom confirmed.
Dec. 3, 1878	Plat of survey; 2 skeleton maps; descriptive notes, &c. (Costs of office work defrayed by claimants under the provisions of section 6 of the act of July 1, 1864.)	Sonlajule	Joshua S. Brackett.
Dec. 9, 1878	Plat of survey; descriptive notes; 2 skeleton maps; testimony as to location of northern line, and exhibits. (Costs of office work defrayed by claimants under the provisions of section 6 of the act of July 1, 1864.)	Pueblo of Sonoma.....	Mayor and common council of Sonoma.
Dec. 17, 1878	Plat of survey; descriptive notes; skeleton maps, &c.	Huasna	Isaac J. Sparks.
Dec. 17, 1878	Certified copy of record of publication of the original Terrell survey.	Mission la Purissima..	José Ramon Malo.
Dec. 23, 1878	Amended diagram showing final surveys of the ranchos La Boca de la Cañada del Pinole, Laguna de los Palos Colorados, San Antonio, San Pablo, Pinole, and Acalanes, to supersede diagram forwarded November 26, 1878; also traced copies of the diseños of the ranchos San Pablo, San Antonio, and Pinole.	El Sobrante.....	J. J. and V. Castro.
Dec. 28, 1878	Appeal from Commissioner's decision of October 19, 1878, in the matter of the application of Brown & Bouldin for resurvey; Wise & Mhoon, attorneys.	Las Putos	Vaca & Peña.
Jan. 2, 1879	Appeals from Commissioner's decision of September 18, 1878, by Mullan & Hyde, Edwin Gardner, The United States, Peter Gardner, and S. E. Throckmorton.	El Corte de Madera del Presidio.	Heirs of Juan Reed.
Jan. 4, 1879	Plat of survey; descriptive notes; Surveyor General's Report, &c.	Santiago de Santa Ana	Bernardo Yorba <i>et al.</i>
Jan. 6, 1879	Plat of survey; descriptive notes; 3 skeleton maps. (Costs of office work defrayed by claimant under the provisions of section 6 of the act of July 1, 1864.)	Jurupa	Abel Stearns.
Jan. 7, 1879	Communication from Theo. H. Hittell, esq., suggesting that Lyon street on the east boundary of the Presidio reservation be run through and fixed.	Pueblo of San Francisco.	City of San Francisco.
Jan. 7, 1879	Briefs of counsel	Pueblo of Sonoma.....	Mayor and common council of Sonoma.
Jan. 9, 1879	Copy of instructions to Deputy Surveyor William Minto to examine a portion of the survey and copy of Minto's Report.	Santiago de Santa Ana	Bernardo Yorba <i>et al.</i>
Jan. 10, 1879	Certain exhibits inadvertently omitted when case was transmitted.	Pueblo of Sonoma.....	Mayor and common council of Sonoma.
Jan. 23, 1879	Plat of survey; 1 skeleton map; descriptive notes, &c. (Costs of office work defrayed by claimant.)	Tract near San Juan Capistrano.	Santiago Rios.
Feb. 4, 1879	Plat of survey; 12 skeleton maps; descriptive notes, &c. (Costs of survey defrayed by claimant under the provisions of section 6 of the act of July 1, 1864.)	Santa Margarita y las Flores.	Pio Pico <i>et al.</i>
Feb. 12, 1879	Specifications of error and brief of S. R. Throckmorton.	Corte de Madera del Presidio.	Heirs of Juan Reed.
Feb. 12, 1879	Plat of survey; skeleton map; descriptive notes; decrees; protests; surveyor general's report, &c.	Arroyo del Rodeo.....	Juan Harnes and Juan Daubendae.
Feb. 18, 1879	Copy of order of United States district court amending survey, and copy of order of said court approving survey as amended.	Part of Napa	Otto H. Frank.
Feb. 20, 1879	Plat of survey; three skeleton maps; descriptive notes, decrees, &c. (Costs of office work defrayed by claimants under the provisions of section 6, of the act of July 1, 1864.)	Valle de San José.....	Silvestre dela Portilla.
Feb. 20, 1879	Waiver of appeal, by Harmon & Galpin, attorneys, for certain parties; appeal of city of San Francisco; proof of service of city's appeal.	Pueblo of San Francisco.	City of San Francisco.
Feb. 21, 1879	Copies of the proceedings of the board of supervisors of the city and county of San Francisco, relative to the Stratton survey.	.....do	Do.

H.—Statement of descriptive notes, decrees of court, &c.—Continued.

When sent.	Papers transmitted.	Name of claim.	To whom confirmed.
Feb. 26, 1879	Plat of survey; descriptive notes; six skeleton maps, &c. (Costs of office work defrayed by claimant under the provisions of section 6 of the act of July 1, 1864.)	San José del Valle	J. J. Warner.
Feb. 27, 1879	Copies of letters from Lewis Lillie, esq., to surveyor general, and reply thereto, relative to application for publication of survey under the act of July 1, 1864.	Part of Napa	Otto H. Frank.
Mar. 7, 1879	Copy of letter from surveyor general to L. Lillie, esq., dated March 6, 1879, denying application for publication of survey under act of July 1, 1864.	.....do	Do.
Mar. 14, 1879	Brief on appeal from honorable Commissioner's decision of October 19, 1878, in the matter of the application of Brown & Bouldin for resurvey.	Los Putos	Vaca and Peña.
Mar. 20, 1879	Plat of survey; six skeleton maps; descriptive notes, decrees, &c.	Part of Napa	Otto H. Frank.
Mar. 22, 1879	Additional testimony relative to the north boundary.	Pueblo of Sonoma	Mayor and common council of Sonoma.
Mar. 24, 1879	Plat of survey and descriptive notes returned by honorable Commissioner December 2, 1878, for publication of survey under act of 1864; also, certificate showing that such publication had been made, and copies of decree of confirmation and order dismissing appeal. (Costs of office work defrayed by claimant under the provisions of section 6 of the act of July 1, 1864.)	Cabeza de Santa Rosa.	James Eldredge.
Mar. 28, 1879	Certified copy of mandate of the Supreme Court of the United States affirming the decree of the United States district court for the southern district of California.	Santa Margarita y las Flores.	Pio Pico <i>et al.</i>
Apr. 1, 1879	Plat of survey; two skeleton maps; descriptive notes, decrees, &c. (Costs of office work defrayed by claimant under the provisions of section 6 of the act of July 1, 1864.)	Arroyo de la Laguna..	J. and S. Williams.
Apr. 9, 1879	Affidavit of George W. Prescott and Michael Heverin with plats attached; brief against adoption of Wheeler's survey by George Hearst <i>et al.</i> ; also waiver of appeal by Harmon & Galpin, and appeal by the city of San Francisco, with proof of service.	Pueblo of San Francisco.	City of San Francisco.
Apr. 23, 1879	Certified copy of the order of the United States district court for the southern district of California substituting Abel Stearns for Juan Bandini as claimant, and certified copy of the mandate of the Supreme Court of the United States.	Jurupa	Abel Stearns.
May 5, 1879	Decree on title, United States district court, February 11, 1856; final decree on title April 2, 1857; certificate of clerk of United States district court as to proceedings.	Saucelito	Heirs of Richardson.
May 27, 1879	Letter from B. S. Brooks, esq., to surveyor general, dated May 17, 1879, requesting issuance of patent.	Carne Humana.	Heirs of E. A. Bale <i>et al.</i>
June 2, 1879	Notice of appeal on behalf of R. B. Woodward and others from the honorable Commissioner's decision of April 21, 1879, upon which is indorsed a recommendation by the United States attorney for district of California that appeal be taken.	Part of Napa	Otto H. Frank.
June 3, 1879	Protest of J. W. Harding against survey; reply of Deputy Surveyor A. E. Gans; copy of field-notes of Freeman's survey; statement by Messrs. Grey & Brandon in reply to Mr. Harding's protest, and affidavits of R. M. Branyon, James F. Stuart, E. F. Caldwell, and J. R. J. Major.	Arroyo de la Laguna..	J. and S. Williams.

H.—*Statement of descriptive notes, decrees of court, &c.*—Continued.

When sent.	Papers transmitted.	Name of claim.	To whom confirmed.
June 6, 1879	Connected diagram showing the limits of the grant in connection with the public surveys and copy of field-notes of survey of the grant made by L. D. Bond, deputy surveyor, under instructions dated February 27, 1879.	Moquelamos	A. Pico.
June 11, 1879	Copy of order to return survey to United States district court; copy of decree amending survey, and certified copy of official plat approved by surveyor general and by the circuit court.	Carne Humana	Heirs of Edward Bale.
June 19, 1879	Brief of E. C. Ford, esq., attorney, on appeal from honorable Commissioner's decision of April 21, 1879, with acknowledgment of service by attorney for claimant.	Part of Napa	Otto H. Frank.
June 21, 1879	Plat of survey; descriptive notes. (Costs of office work defrayed by the claimant.)	Saucelito	Heirs of Richardson.
June 24, 1879	Petition to Hon. Secretary of the Interior for rehearing; notice of application for rehearing with service admitted by B. S. Brooks, esq., attorney for claimant; Delos Lake, esq., attorney for John A. Stanley.	Entre Napa, or Rincon de los Carneros.	M. F. de Higuera.

I.—Statement of special deposits for the survey of public lands in California during the fiscal year 1878-79.

Name of depositor.	Date of de- posit.	Amount of deposit.				Name of deputy.	Location of survey.	Meridian.	Remarks.
		Salaries.		Surveys.					
		Individual.	Total.	Individual.	Total.				
Josiah H. Applegate...	July 1, 1878	\$50 00	\$50 00	\$90 00	\$90 00	E. G. Gaertner...	Township 3 north, range 22 west ..	San Bernardino.	Contract canceled; deposit withdrawn.
Ernest Victor Normand	July 1, 1878	50 00	50 00	90 00	90 00	do	Township 3 north, range 23 west ..	do	do
William Foxson.....	July 5, 1878	74 00	74 00	126 00	126 00	A. S. Cooper	Township 8 north, range 33 west ..	do	Deposit withdrawn.
Manuel Dias.....	July 9, 1878	111 10	111 10	288 90	288 90	J. R. Glover.....	Township 2 south, range 2 west ..	Mount Diablo ..	
Henry Poe.....	July 12, 1878	50 00	50 00	114 00	114 00	L. B. Gorham.....	Township 22 north, range 15 west ..	do	
John Everetts.....	July 18, 1878	30 00	30 00	30 00	30 00	R. F. Herriock	Township 2 south, range 1 west ..	Humboldt	
George J. Preising	July 20, 1878	25 00	25 00	50 00	50 00	M. F. Reilly.....	Township 22 north, range 12 west ..	Mount Diablo ..	
Charles T. Norton.....	July 20, 1878	50 00	50 00	150 00	150 00	do	Township 23 north, range 14 west ..	do	
Isaac Merritt.....	July 30, 1878	25 00		175 00		J. R. Glover.....	Township 1 south, range 2 west ..	do	
José Cadora.....	July 30, 1878	6 43	31 43	53 57	228 57	do	do	do	
B. F. McCracken.....	Aug. 5, 1878			99 80		do	Township 17 north, range 14 west ..	do	
Jos. W. Adams.....	Aug. 5, 1878			100 00		do	do	do	
A. P. Martin.....	Aug. 5, 1878			74 23		do	do	do	
Thomas B. Hopper.....	Aug. 5, 1878			100 00		do	do	do	
Robert W. Wade.....	Aug. 5, 1878			51 00		do	do	do	
Francis M. Shelby.....	Aug. 5, 1878			51 00		do	do	do	
Peter M. Mallory.....	Aug. 5, 1878			50 00		do	do	do	
Charles C. Chamberlain..	Aug. 5, 1878			101 00	627 03	do	do	do	
S. A. Marshall.....	Aug. 10, 1878			180 00	180 00	J. A. Benson	Township 4 north, range 8 west ..	do	
Jacob Amaler.....	Aug. 12, 1878	25 00	25 00	6 00	6 00	do	Township 3 north, range 3 east ..	Humboldt	
M. A. Nurse.....	Aug. 12, 1878	6 00	6 00			do	Township 11 north, range 3 west ..	Mount Diablo ..	
California and Oregon Railroad Company.	Aug. 13, 1878	2000 00	2, 000 00	6, 000 00	6, 000 00	do	Lands in lists to be filed, including lands in the California and Ore- gon Railroad grant.		
Mullan & Hyde.....	Aug. 23, 1878	23 50	23 50			do	Rancho San José and addition ..		
John Boggs.....	Aug. 31, 1878	150 00	150 00	177 00	177 00	H. B. Shackelford :	Townships 18 and 19 north, range 2 west.		
E. W. Page.....	Sept. 7, 1878	50 00	50 00	150 00	150 00	Chas. Herrmann ..	Township 7 south, range 4 east ..	Mount Diablo ..	
Charles Fox.....	Sept. 7, 1878	50 00	50 00	150 00	150 00	do	Township 7 south, range 5 east ..	do	
Western Pacific Railroad Company.	Sept. 13, 1878	12 00	12 00	24 00	24 00	do	Lands in list No. 19, Western Paci- fic Railroad, San Francisco dis- trict.	do	
Miss Mary J. Carpenter.	Sept. 11, 1878	66 00	66 00	66 00	66 00	James E. Woods ..	Township 1 south, range 4 east	Humboldt	

Chalmers Scott, attorney.	Sept. 20, 1878			129 35	129 35	William Minto	Rancho Cucu, in accordance with section 2400 Revised Statutes United States.	
Emily R. Philbrick	Sept. 25, 1878	20 00		40 00		A. Chalfant	Township 16 north, range 15 west	Mount Diablo
R. J. Hopkins	Sept. 23, 1878	20 00	40 00	40 00	80 00	do	do	do
W. W. Ingraham	Oct. 2, 1878	60 00	60 00	140 00	140 00	M. G. Wheeler	Township 12 south, range 1 east	San Bernardino
John Hager	Oct. 9, 1878			86 00	86 00	M. F. Reilly	Township 23 north, range 14 west	Mount Diablo
Otis W. Merriam	Oct. 9, 1878	17 00	17 00	18 00	18 00	A. W. Von Schmidt	Township 7 north, range 4 west	do
R. Wilkin	Oct. 15, 1878	25 00	25 00	30 00	30 00	L. D. Chillson	Township 4 north, range 20 west	San Bernardino
Central Pacific Railroad Company, successors to Western Pacific Railroad Company.	Oct. 31, 1878	6 00	6 00	12 00	12 00		Lands in list No. 8, Stockton district.	
Do	Oct. 31, 1878	12 00	12 00	24 00	24 00		Lands in list No. 9, Stockton district.	
Central Pacific Railroad Company.	Nov. 14, 1878	586 99	586 99	2,745 57	2,745 57		Lands in list No. 3, indemnity limits; California and Oregon Branch of Central Pacific Railroad Company.	
Do	Nov. 14, 1878	963 84	963 84	8,399 57	8,399 57		Lands in list No. 3, granted limits; California and Oregon Branch of Central Pacific Railroad Company.	
A. Boschke	Nov. 20, 1878	40 00	40 00			John Goldsworthy	Smith's Island, township 5 south, range 13 west.	San Bernardino
George J. Preising	Nov. 21, 1878	15 00	15 00	98 75	98 75	M. F. Reilly	Township 22 north, range 12 west	Mount Diablo
C. H. Carter	Nov. 21, 1878	10 00	10 00				Township 1 north, range 15 east	do
William Wehrli	Dec. 6, 1878	50 00	50 00	88 00	88 00	J. M. Doyle	Township 15 north, range 5 west	do
John Garnett	Dec. 27, 1878	15 00	15 00				Township 19 north, range 8 east	do
E. Snuckles	Dec. 30, 1878	25 00		175 00		L. B. Gorham	Township 17 north, range 12 west	do
W. A. Lambert	Dec. 30, 1878	25 00		175 00		do	do	do
E. A. Ayer	Dec. 30, 1878	25 00		175 00		do	do	do
C. B. Coates	Dec. 30, 1878	25 00	100 00	175 00	700 00	do	do	do
W. W. Wilson	Dec. 30, 1878			113 00	113 00	Richard Egan	Township 7 south, range 8 west	San Bernardino
D. O. Philbrick	Jan. 16, 1879	40 00	40 00	46 00	46 00	A. Chalfant	Township 16 north, range 15 west	Mount Diablo
W. W. Wilson	Jan. 18, 1879	50 00	50 00			Richard Egan	Township 7 south, range 8 west	San Bernardino
J. L. Smith	Jan. 31, 1879	10 00	10 00				Township 16 north, range 8 east	Mount Diablo
Samuel Lindsey	Feb. 1, 1879			40 00	40 00	James E. Woods	Township 1 south, range 4 east	Humboldt
William E. Hopping	Feb. 6, 1879	40 00	40 00	10 00	10 00	William Magee	Town site of Copper City, Shasta County, California.	
Alex. Rummelsberg	Feb. 13, 1879	50 00	50 00	50 00	50 00	D. D. Brown	Township 13 north, range 4 west	Mount Diablo
N. F. Quirk	Mar. 3, 1879	50 00	50 00	86 00	86 00	do	Township 18 north, range 6 west	do
Samuel Lindsey	Mar. 11, 1879			80 00	80 00	James E. Woods	Township 1 south, range 4 east	Humboldt
James H. Gibson	Mar. 24, 1879	20 00				L. B. Gorham	Township 19 north, range 13 west	Mount Diablo
Horace Bigelow	Mar. 24, 1879	30 00		170 00		do	do	do
S. T. Toney	Mar. 24, 1879	25 00		175 00		do	do	do
Andrew Hamburg	Mar. 24, 1879	25 00	100 00	175 00	520 00	do	do	do
J. E. Terry	Mar. 31, 1879	50 00	50 00	136 00	136 00	A. E. Gans	Township 12 north, range 9 east	do
R. Watkins	Apr. 2, 1879	15 00	15 00	100 00	100 00	C. F. Putnam	Township 7 north, range 23 east	do
Reuben Terry	Apr. 2, 1879	15 00		185 00		do	do	do
W. Boardman	Apr. 2, 1879	15 00		185 00		do	do	do
James G. Wiley	Apr. 2, 1879	15 00		185 00		do	do	do
R. F. Trumble	Apr. 2, 1879	15 00	60 00	185 00	740 00	do	do	do

Name of depositor.	Date of de- posit.	Amount of deposit.				Name of deputy.	Location of survey.	Meridian.	Remarks.
		Salaries.		Surveys.					
		Individual.	Total.	Individual.	Total.				
Charles A. Johnston.....	Apr. 16, 1879	\$15 00				R. F. Herrick	Township 2 south, range 1 west....	Humboldt.....	
S. D. Potter.....	Apr. 16, 1879	15 00	\$30 00			do	do	do	
California and Oregon Railroad Company.	Apr. 12, 1879	560 00	560 00	\$3, 408 00	\$3, 408 00	do	Lands within limits of said county..	do	
Thomas Tradett.....	Apr. 19, 1879	50 00	50 00	50 00	50 00	T. P. Woodward ..	Township 4 south, range 27 east....	Mount Diablo ..	
John F. Foster	Apr. 25, 1879	30 00	30 00	35 00	35 00	William Minto.....	Township 9 south, range 4 west....	San Bernardino..	
Robert Peterson.....	Apr. 30, 1879	15 00		185 00		J. R. Glover.....	Township 10 south, range 2 east....	Mount Diablo ..	
E. E. Smith.....	Apr. 30, 1879	20 00		180 00		do	do	do	
M. B. Hazen.....	Apr. 30, 1879	20 00		180 00		do	do	do	
H. C. Hazen.....	Apr. 30, 1879	20 00	75 00	180 00	725 00	do	do	do	
J. B. Ford.....	May 15, 1879	30 00	30 00			do	Two islands in Mendocino Bay....	do	
California and Oregon Railroad Company.	May 15, 1879	50 00	50 00	58 00	58 00	H. B. Shackelford.	Township 18 north, range 2 west....	Mount Diablo ..	
Do.....	May 15, 1879	100 00	100 00	58 00	58 00	do	Township 17 north, range 2 west....	do	
Do.....	May 15, 1879	100 00	100 00	61 48	61 48	do	Township 19 north, range 2 west....	do	
S. J. Abbott.....	May 22, 1879	25 00		12 00		George Wright ..	Township 11 north, range 3 east....	do	
William Hardin.....	May 22, 1879	25 00	50 00	12 00	24 00	do	do	do	
Benjamin Foxen.....	May 24, 1879	100 00	100 00	100 00	100 00	do	Township 8 north, range 30 west....	San Bernardino..	
Otto Sarlgren.....	June 9, 1879	60 00	60 00	150 00	150 00	do	Township 11 north, range 15 west....	Mount Diablo ..	
California and Oregon Railroad Company.	June 25, 1879	576 00	576 00	840 00	840 00	do	List No. 5, indemnity limits, Cali- fornia and Oregon branch Central Pacific Railroad Company.	do	
Do.....	June 25, 1879	708 00	708 00			do	List No. 5, granted limits, California and Oregon branch, Central Pa- cific Railroad Company.	do	
Do.....	June 25, 1879	280 00	280 00			do	List No. —, indemnity limits, Cali- fornia and Oregon branch Central Pacific Railroad Company.	do	
Patrick McDonagh.....	June 28, 1879	20 00	20 00	180 00	180 00	do	Township 25 south, range 8 east....	Mount Diablo ..	
John Von Keledonk.....	June 28, 1879	30 00	30 00	170 00	170 00	do	Township 24 south, range 9 east....	do	
J. W. Fitzpatrick.....	June 28, 1879	25 00		175 00		do	Township 35 north, range 2 east....	do	
Leonard Kirk.....	June 28, 1879	25 00	50 00	175 00	350 00	do	do	do	
James Russell.....	June 28, 1879	20 00		180 00		do	Township 36 north, range 2 east....	do	
Charles Hulsey.....	June 28, 1879	20 00		180 00		do	do	do	
A. J. Wilson.....	June 28, 1879	20 00	60 00	180 00	540 00	do	do	do	
Thomas J. Fulton.....	June 28, 1879	20 00		180 00		do	Township 24, south, range 8 east....	do	

J. Webb Koerner	June 28, 1879	20 00	.....	180 00	.....	.....	do	do
Beuben R. Stephens	June 28, 1879	15 00	.....	185 00	.....	.....	do	do
John Ward	June 28, 1879	15 00	70 00	185 00	730 00	.....	do	do
John P. Robinson	June 28, 1879	15 00	.....	185 00	.....	.....	Township 2 south, range 30 east	do
E. D. Fargo	June 28, 1879	15 00	.....	185 00	.....	.....	do	do
August Mack	June 28, 1879	15 00	.....	185 00	.....	.....	do	do
John G. Jones	June 28, 1879	15 00	60 00	185 00	740 00	.....	do	do
P. W. Bennett	June 28, 1879	15 00	.....	185 00	.....	.....	Township 2 south, range 31 east	do
F. P. Bailey	June 28, 1879	15 00	.....	185 00	.....	.....	do	do
W. D. Mitchell	June 28, 1879	15 00	45 00	185 00	555 00	.....	do	do
E. D. Miner	June 28, 1879	15 00	15 00	185 00	185 00	.....	do	do
			8,402 86		31,979 22			

J.—Statement of special deposits for office work in the survey of mining claims in California during the fiscal year 1878-79.

Name of surveyor.	Name of depositor.	Date of deposit.	Deposit for salaries.	Name of mine.	Location of mine.	Remarks.
J. M. Anderson	J. Hendy	July 1, 1878	\$40 00	California mine and mill site	El Dorado County	
L. F. Cooper	M. Doolittle	July 3, 1878	40 00	Morgan Point placer mine	Del Norte County	
C. W. Hendel	Peter Schafer	July 6, 1878	35 00	Orient gold placer mine	Sierra County	
John E. Jackson	T. J. Flanagan	July 8, 1878	40 00	Blue Light mine	Los Angeles County	
Do	J. D. Dunlap	July 8, 1878	40 00	do	do	
Do	H. S. Thistlethwaite	July 8, 1878	40 00	do	do	
R. M. Wilson	A. Halsey	July 8, 1878	20 00	New York mine	Plumas County	
William Magee	R. G. Dunn	July 8, 1878	40 00	Chance mine	Shasta County	
E. S. Thurston	Jas. P. Pierce	July 8, 1878	20 00	Blue gravel mine	Yuba County	Additional deposit.
A. G. Ruxton	R. S. Baker	July 8, 1878	35 00	Pico oil mine	Los Angeles County	Do.
	Jerome G. Madden	July 9, 1878	40 00	Denver No. 2 quicksilver mine	Sonoma County	Do.
T. R. Fillebrown	J. B. Haggin	July 11, 1878	10 00	Lena mine	Kern County	Do.
Do	do	July 11, 1878	10 00	Hidden Treasure mine	do	Do.
J. M. Anderson	Thomas Alderson	July 13, 1878	40 00	Enterprise quartz mine	El Dorado County	
W. K. Boucher	Albert Laacy	July 15, 1878	40 00	Valentine lead quartz mine	Calaveras County	
	C. L. Street	July 19, 1878	10 00	Etna mine	Tuolumne County	Additional deposit.
L. F. Cooper	G. B. Temple	July 20, 1878	10 00	Bunker Hill placer mine	Del Norte County	Do.
Do	H. Gasquet	July 20, 1878	10 00	Happy Camp hydraulic mine	do	Do.
C. W. Hendel	J. Largomarcino	July 23, 1878	35 00	Jas. Largomarcino & Co. placer mine	Sierra County	
John A. Brown	W. M. Stewart	July 24, 1878	40 00	Sutler mine	Amador County	
John Goldsworthy	San Pedro Mining Company	July 24, 1878	40 00	San Pedro mine	Los Angeles County	
William Sharp	Thomas Baird	July 25, 1878	20 00	Orleans placer mine	Humboldt County	Additional deposit.
H. S. Bradley	G. Dossol	July 26, 1878	75 00	Derbec blue gravel mine	Nevada County	Do.
	G. W. Farr	July 27, 1878	13 00	De Bour mine	do	Do.
Jas. McGann	W. Allen & Co.	Aug. 1, 1878	40 00	Brown's Ravine consolidated mine	Butte County	
J. M. Anderson	T. G. McLeren	Aug. 6, 1878	40 00	Nashville mine	El Dorado County	
Do	N. Theison & Co	Aug. 6, 1878	40 00	Cincinnati quartz mine	do	
John A. Brown	B. F. Reightmeyer	Aug. 7, 1878	40 00	Chile Jim mine	Amador County	
A. B. Beauvais	E. C. Frisbie	Aug. 8, 1878	40 00	Tarantula mine	Tuolumne County	
Charles Kaufman	E. Steele	Aug. 13, 1878	40 00	Mountain View mine	Placer County	
J. M. Anderson	Thomas Anderson et al	Aug. 14, 1878	10 00	Enterprise quartz mine	El Dorado County	Additional deposit.
John A. Brown	George Allen	Aug. 15, 1878	40 00	Maximilian mine	Amador County	
A. Garrard	B. S. Kellogg	Aug. 16, 1878	40 00	Black Hawk and McClellan mine	Mono County	Additional deposit.
J. R. Meek	Jerry Watts	Aug. 17, 1878	15 00	Watts Mining Company's mine	Sierra County	Do.
H. J. Stevenson	A. C. Taylor	Aug. 19, 1878	40 00	Hope claim mine	Los Angeles County	
Do	do	Aug. 19, 1878	40 00	Anita claim mine	do	
E. C. Uren	Jerry Haley	Aug. 19, 1878	40 00	Buchanan placer mine	Placer County	
H. S. Bradley	E. W. Bigelow	Aug. 21, 1878	40 00	New York Cañon consolidated mine	Nevada County	
J. M. Anderson	R. H. Reed	Aug. 23, 1878	40 00	Atlanta quartz mine	El Dorado County	
William S. Lowden	John Grant et al	Aug. 24, 1878	40 00	Taylor Flat G. P. mine	Siskiyou County	
John E. Jackson	J. D. Dunlap	Aug. 27, 1878	10 00	Dunlap Blue Light mine	Los Angeles County	Additional deposit.
R. M. Wilson	H. B. and S. S. Willard	Aug. 28, 1878	40 00	Washington placer mine	Placer County	

William Magee	Mrs. Bridget Dersh	Aug. 30, 1878	40 00	Hughes placer mine	Shasta County	
T. R. Fillebrown	A. Boushey	May 24, 1878	40 00	Argent, Zoe, End, and Rough and Ready, G. S. and Antimony mines.	Kern County	
J. G. Jones	Patrick Grant	Sept. 2, 1878	10 00	Wisconsin mine	Sierra County	Additional deposit.
William Minto	C. A. Sankey	Sept. 5, 1878	40 00	Accepted mine	Mono County	
Do	do	Sept. 5, 1878	40 00	Challenge mine	do	
Do	W. M. Stewart	Sept. 7, 1878	40 00	Relief consolidated mine	do	
Do	do	Sept. 7, 1878	40 00	Concordia mine	do	
Do	do	Sept. 7, 1878	40 00	Maybelle mine	do	
Do	do	Sept. 7, 1878	40 00	Republic consolidated mine	do	
Do	do	Sept. 7, 1878	40 00	Noonday mine	do	
Charles W. Hendel	Thomas Eggleston <i>et al</i>	Sept. 9, 1878	35 00	Eggleston and Mowrey mine	Sierra County	
E. C. Uren	A. W. Poole	Sept. 9, 1878	40 00	Cape Horn mine	Placer County	
William Minto	J. B. Fargo	Sept. 9, 1878	40 00	Riqueza mine	Mono County	
E. C. Uren	Charles H. Mead	Sept. 9, 1878	40 00	Passaic mine	Placer County	
William Minto	A. J. Ralston	Sept. 11, 1878	40 00	Dudley mine	Mono County	
L. L. Hawkins	B. E. Hunter	Sept. 11, 1878	40 00	Tarishish mine and mill site	Alpine County	
	Niles Searles	Sept. 12, 1878	40 00	Northern gravel mine	Nevada County	
William Magee	R. G. Dunn	Sept. 16, 1878	10 00	Chance quartz mine	Shasta County	
C. W. Hendel	José Largonarcino & Co.	Sept. 17, 1878	10 00	Largonarcino & Co. placer mine	Sierra County	Additional deposit.
H. S. Bradley	Richard Neville	Sept. 20, 1878	40 00	Democrat Hill placer mine	Nevada County	
C. L. Anderson	The Rustler Gold Mining Company	Sept. 21, 1878	40 00	Rustler gold mine	Mono County	
H. J. Stevenson	M. L. Wicks	Sept. 21, 1878	40 00	Bavarian mine	Los Angeles County	
	John Poll <i>et al</i>	Sept. 23, 1878	30 00	Empire quartz mine	Amador County	Additional deposit.
	J. G. Irwin	Sept. 30, 1878	5 00	Trinity quicksilver mines Nos. 1, 2, and 3.	Trinity County	Do.
E. S. Thurston	N. P. Thurston	Sept. 30, 1878	40 00	Smartsville consolidated mine	Yuba County	
J. M. Anderson	T. G. McLeran	Sept. 30, 1878	10 00	Nashville quartz mine	El Dorado County	Additional deposit.
C. L. Anderson	George K. Porter	Oct. 1, 1878	40 00	Spaulding mill site	Mono County	
	Theo. Wagner	Oct. 1, 1878	49 00	On account of O. W. in the United States Surveyor General's Office.		
G. W. Norton	David Neahr	Oct. 2, 1878	300 00	Picacho placer and lode mine	San Diego County	
L. L. Hawkins	B. E. Hunter	Oct. 7, 1878	10 00	Tarshish mine	Alpine County	Additional deposit.
W. K. Boucher	Charles Gardella	Oct. 9, 1878	40 00	Whisky Slide mine	Calaveras County	
I. G. Jones	George Hearst	Oct. 14, 1878	40 00	Blue Range mine	Sierra County	
	Grant I. Taggart	Oct. 9, 1878	5 00	Taggart quicksilver mine	Trinity County	Additional deposit.
W. K. Boucher	M. Eldred	Oct. 11, 1878	40 00	Valentine quartz mining claim	Calaveras County	
Samuel Bethell	Henry Attwater	Oct. 15, 1878	40 00	Relief Hill blue lead mine	Nevada County	
I. G. Jones	J. W. Brown	Oct. 18, 1878	40 00	Eclipse (now Magnolia) mine	Sierra County	
L. F. Cooper	Horace Gasquet	Oct. 23, 1878	50 00	Forks placer mine	Del Norte County	
C. W. Handel	G. N. L. Powell	Oct. 24, 1878	40 00	Orient mine	Sierra County	
	H. S. Brown	Oct. 24, 1878	60 00	Certified copies of papers in case of rancho "El Sobrante."		
Samuel Bethell	W. D. Long	Oct. 25, 1878	40 00	Bald Mountain mine	Sierra County	
James McGann	William Allen	Oct. 26, 1878	20 00	Brown's Ravine consolidated placer mine.	Butte County	Additional deposit.
	A. Hayward	Oct. 28, 1878	5 00	Sunnyside mine	Plumas County	Additional deposit.
	H. S. Brown	Oct. 28, 1878	17 25	Certified copies of papers in case of rancho "El Sobrante."		
C. L. Anderson	John Crockett	Oct. 29, 1878	40 00	Giant mine	Mono County	
Do	do	Oct. 29, 1878	40 00	Moore mine	do	
Do	do	Oct. 29, 1878	40 00	Champion mine	do	

J.—Statement of special deposits for office work in the survey of mining claims in California, &c.—Continued.

Name of surveyor.	Name of depositor.	Date of deposit.	Deposit for salaries.	Name of mine.	Location of mine.	Remarks.
C. L. Anderson.....	John Crockett.....	Oct. 29, 1878	\$40 00	Webber mine.....	Mono County.....	
R. M. Wilson.....	A. Hayward.....	Oct. 29, 1878	40 00	Deer Flat mine.....	Plumas County.....	
William Minto.....	C. A. Sankey.....	Oct. 30, 1878	20 00	Omega and Noel mines.....	Mono County.....	
	J. E. Carr.....	Oct. 30, 1878	5 00	Carr quicksilver mine.....	Trinity County.....	
William Minto.....	C. A. Sankey.....	Oct. 30, 1878	20 00	Golding and Gazelle mine.....	Mono County.....	
H. S. Bradley.....	M. J. Crawford.....	Oct. 30, 1878	40 00	Blue Point mine.....	Yuba County.....	
John A. Brown.....	A. Hayward.....	Oct. 30, 1878	40 00	Indiana quartz mine.....	Amador County.....	
	Theo. Wagner.....	Nov. 1, 1878	15 00	Certified copies of records, &c.....		
A. B. Beauvais.....	C. L. Street.....	Nov. 5, 1878	40 00	Independent quartz mine.....	Tuolumne County.....	
R. M. Wilson.....	A. Halsey.....	Nov. 6, 1878	40 00	Monumental placer mine.....	Plumas County.....	
William S. Lowden.....	William Hall & Co.....	Nov. 9, 1878	40 00	Dave Hall placer gold mine.....	Trinity County.....	
Samuel Bethell.....	Kenton Quartz Mining Company.....	Nov. 11, 1878	40 00	Kenton quartz mine.....	Sierra County.....	
Charles W. Hendel.....	Lewis Mowry.....	Nov. 11, 1878	50 00	Eggleston and Mowry mine.....	do.....	Additional deposit.
Benjamin Ross.....	J. M. Litchfield & Co.....	Nov. 11, 1878	40 00	Tellurium G. and S. quartz mine.....	Amador County.....	
R. M. Wilson.....	A. Halsey.....	Nov. 12, 1878	70 00	Plumas National gold mine.....	Plumas County.....	
R. B. Thomas.....	W. E. Brown (superintendent).....	Nov. 16, 1878	60 00	South Hite gold mine.....	Mariposa County.....	
J. M. Anderson.....	Thomas Price.....	Nov. 21, 1878	40 00	Pebble Hill mine.....	El Dorado County.....	
R. H. Stretch.....	John G. Nute.....	Nov. 21, 1878	40 00	Cosmopolitan gold mine.....	Amador County.....	
C. L. Anderson.....	Bodie Gold Mining Company.....	Nov. 21, 1878	150 00	Bodie mines.....	Mono County.....	
Samuel Bethell.....	Theo. Wetzel.....	Nov. 25, 1878	40 00	Montreal placer mine.....	Nevada County.....	
William Magee.....	W. E. Hopping.....	Nov. 25, 1878	40 00	Dudley gold placer mine.....	Shasta County.....	
	L. T. Lewis.....	Nov. 26, 1878	10 00	Crown Point mine.....	Amador County.....	Additional deposit.
	Theo. Wagner.....	Dec. 2, 1878	24 00	Certified copies of records, &c.....		
R. M. Wilson.....	A. Halsey.....	Dec. 5, 1878	40 00	Minerva placer mine.....	Plumas County.....	
E. C. Uren.....	J. H. Baird.....	Dec. 6, 1878	40 00	Adams & McClure Cañon mine.....	Placer County.....	
Do.....	James Phillips.....	Dec. 5, 1878	40 00	Wild Cat placer mine.....	Nevada County.....	
C. L. Anderson.....	R. P. Fouke.....	Dec. 10, 1878	40 00	Virginia mine.....	Mono County.....	
E. C. Uren.....	W. H. Kinder.....	Dec. 10, 1878	40 00	Sacramento and Bear River mine.....	Placer County.....	
	N. Hornberger.....	Dec. 12, 1878	40 00	Hornberger quartz mine.....	Amador County.....	
William Minto.....	A. J. Kalston.....	Dec. 20, 1878	30 00	Yerrington mine.....	Mono County.....	
Do.....	do.....	Dec. 20, 1878	30 00	Glencoe mine.....	do.....	
Do.....	do.....	Dec. 20, 1878	30 00	Solano mine.....	do.....	
Do.....	do.....	Dec. 20, 1878	30 00	Security mine.....	do.....	
Do.....	do.....	Dec. 20, 1878	25 00	Dearborn mine.....	do.....	
Do.....	do.....	Dec. 20, 1878	25 00	San Pedro mine.....	do.....	
Do.....	do.....	Dec. 20, 1878	25 00	San Nicolas mine.....	do.....	
Do.....	do.....	Dec. 20, 1878	25 00	Monongahela mine.....	do.....	
Do.....	William M. Stewart.....	Dec. 20, 1878	35 00	Baltimore American mine.....	do.....	
Do.....	do.....	Dec. 20, 1878	30 00	Bonanz mine.....	do.....	
Do.....	do.....	Dec. 20, 1878	30 00	Curry mine.....	do.....	
C. L. Anderson.....	W. H. Lent.....	Dec. 30, 1878	40 00	Facto mine.....	do.....	
Do.....	do.....	Dec. 30, 1878	40 00	University First North Extension mine.....	do.....	
Do.....	do.....	Dec. 30, 1878	40 00	Bullwhacker mine.....	do.....	

Do.	do	Dec. 30, 1878	40 00	Old Dan mine	do
W. S. Lowden	Horace Champlain <i>et al.</i>	Dec. 30, 1878	40 00	Champlain & Co. gold placer mine	do
A. B. Beauvais	A. Halsey	Dec. 31, 1878	40 00	Knox & Boyle mine	Tuolumne County
Do.	A. B. Preston <i>et al.</i>	Dec. 31, 1878	40 00	Cook gravel mine	do
	Theo. Wagner	Dec. 31, 1878	58 75	Certified copies of records, &c	
	do	Dec. 31, 1878	5 00	do	
	M. G. Rhodes	Jan. 4, 1879	40 00	South side mine	Napa County
	do	Jan. 4, 1879	40 00	Oscola mine	do
	do	Jan. 4, 1879	40 00	Fannie mine	do
	do	Jan. 4, 1879	40 00	Humboldt mine	do
Samuel Bethell	Thomas Poyzer	Jan. 4, 1879	40 00	Mount Zion placer mine	Nevada County
Charles H. Seymour	I. S. Van Winkle	Jan. 4, 1879	40 00	Berry mine	do
J. M. Anderson	McFarland & Farr	Jan. 4, 1879	40 00	Mammoth quartz mine	El Dorado County
Benjamin Ross	E. J. Brioker <i>et al.</i>	Jan. 7, 1879	40 00	Vaughn quartz mine	Amador County
	William Wells	Jan. 8, 1879	40 00	Lamphear quartz mine	Calaveras County
H. S. Bradley	G. E. Turner	Jan. 8, 1879	40 00	Evergreen quartz mine	Nevada County
A. L. Knowlton	J. H. Gillenwaters	Jan. 8, 1879	40 00	Occidental consolidated mine	Tehama County
	Theo. Wagner	Jan. 8, 1879	20 00	Certified copies of records, &c	
W. S. Lowden	C. Danninbrink	Jan. 9, 1879	40 00	Howell gold placer mine	Trinity County
Alex. McPherson	J. H. Logan <i>et al.</i>	Jan. 13, 1879	38 00	Santa Cruz quicksilver mine	San Benito County
Samuel Bethell	G. D. McLean	Jan. 14, 1879	40 00	Esperance placer mine	Nevada County
	O. H. McKee	Jan. 15, 1879	25 00	Certified copies of plats and papers	
William S. Lowden	Thomas A. Blythe	Jan. 16, 1879	40 00	Blythe mine	Trinity County
	William M. Stewart	Jan. 24, 1879	5 00	Five copies of papers for Noonday and Concordia Mining Companies.	
R. B. Thomas	W. E. Brown	Jan. 28, 1879	40 00	South Hite mill site	Mariposa County
	Theo. Wagner	Jan. 31, 1879	32 85	Certified copies of papers, &c	
	A. B. Beauvais	Feb. 1, 1879	12 00	Certified copies of records, &c	
A. W. Keddle	J. D. Goodwin	Feb. 6, 1879	40 00	Newtown Flat placer mine	Plumas County
Do.	A. Halsey	Feb. 6, 1879	40 00	Independence placer mine	do
Do.	do	Feb. 6, 1879	40 00	Centennial placer mine	do
C. W. Hendel	Jacob Tomb	Feb. 10, 1879	40 00	Union mine	do
Samuel Bethell	Henry Atwater	Feb. 12, 1879	10 00	Relief Hill blue gravel mine	Nevada County
J. G. Parke	Charles E. Sherman	Feb. 12, 1879	40 00	New World mine	Kern County
Do.	do	Feb. 12, 1879	40 00	Clay Bank mine	do
J. M. Anderson	John Jacobsen	Feb. 12, 1879	10 00	Mammoth mine	El Dorado County
	G. P. Thurston	Feb. 14, 1879	20 00	Smartsville consolidated mine	Yuba County
	Thomas Price	Feb. 15, 1879	10 00	Pebble Hill placer mine	El Dorado County
J. A. Brown	George Allen	Feb. 17, 1879	40 00	Maximillian mine	Amador County
E. C. Uren	E. Nichols <i>et al.</i>	Feb. 17, 1879	40 00	Calais placer mine	Nevada County
P. Y. Baker	J. A. Crabtree	Feb. 24, 1879	40 00	Loop mine	Tulare County
	Robert Aitken	Feb. 24, 1879	10 00	Clyde quartz mine	Amador County
A. B. Beauvais	J. B. Haggin	Feb. 24, 1879	40 00	Lodi mine and mill site	Calaveras County
Do.	do	Feb. 24, 1879	40 00	Toon mine and mill site	do
Do.	do	Feb. 24, 1879	20 00	Mason mine and mill site (now called Hurricane mine).	do
Do.	J. B. Trickey	Feb. 27, 1879	40 00	Gagnese quartz mine	Tuolumne County
W. S. Lowden	Maurice Hyde	Feb. 28, 1879	40 00	Maurice Hyde placer mine	Trinity County
P. Y. Baker	Elias Jacob	Mar. 3, 1879	40 00	Haweah Line Stone mine	Tulare County
	N. H. Conklin	Mar. 5, 1879	15 00	Duplicate plats, &c., of the Helvetia mine and mill site.	San Diego County
C. L. Anderson	W. L. Oliver	Mar. 20, 1879	40 00	University gold mine	Mono County

Additional deposit.

Additional deposit.

Do.
Do.

Additional deposit.

J.—Statement of special deposits for office work in the survey of mining claims in California, &c.—Continued.

Name of surveyor.	Name of depositor.	Date of deposit.	Deposit for salaries.	Name of mine.	Location of mine.	Remarks.
	A. Halsey	Mar. 25, 1879	90 00	Spring Valley Mining and Irrigating Company's mine.	Butte County	
E. C. Uren	T. M. Tharp <i>et al.</i>	Mar. 26, 1879	40 00	Hope quartz mine	Placer County	
	C. W. Hendel	Apr. 8, 1879	18 00	Go Ahead mine	Sierra County	
A. R. Beauvais	Frank Prudhamme	Apr. 10, 1879	40 00	Prudhamme mine	Tuolumne County	
J. M. Anderson	Jeremiah Long	Apr. 12, 1879	40 00	Ophir quartz mine	El Dorado County	
	J. B. Haggin	Apr. 14, 1879	20 00	Cook placer gravel mine	Calaveras County	Additional deposit.
A. B. Beauvais	do	Apr. 17, 1879	20 00	Hurricane quartz mine	do	
W. L. Lowden	Henry Junkans	Apr. 18, 1879	40 00	Lang & Junkans placer mine	Trinity County	
R. H. Stretch	A. J. Sargent	Apr. 21, 1879	40 00	Sargent quartz mine	Amador County	
A. W. Keddle	F. B. Whiting	Apr. 26, 1879	40 00	Blackmore quartz mine	Plumas County	
	H. S. Bradley	Apr. 26, 1879	10 00	Omega quartz mine	Nevada County	
	C. Danninbrink	Apr. 28, 1879	5 00	Howell gold mine	Trinity County	
A. T. Herrmann	W. N. Cummings	Apr. 29, 1879	40 00	Mariposa quicksilver mine	San Benito County	
W. S. Lillian	S. M. Holmes	Apr. 29, 1879	40 00	True Blue mine	Mono County	
A. A. Smith	W. H. Hopkins <i>et al.</i>	May 8, 1879	40 00	Golden Eagle quartz mine	Lassen County	
Do	Hasbert & Hoes	May 8, 1879	40 00	Brush Hill quartz mine	do	
C. L. Anderson	W. H. Lent	May 12, 1879	40 00	Ceres placer mine	Mono County	
Do	do	May 12, 1879	40 00	Uranus placer mine	do	
W. S. Lillian	A. W. Rose	May 12, 1879	40 00	Foulk mine	do	
Do	J. P. Dyer	May 12, 1879	40 00	Don Quixotte mine	do	
T. P. Woodward	Thomas Street	May 12, 1879	40 00	Lizzie mine	do	
Samuel Bethell	Henry G. Wilson	May 15, 1879	40 00	East Green Spring mine	Placer County	
William Magee	Thomas Lowdon	May 23, 1879	40 00	Lowdon gold placer mine	Shasta County	
J. A. Benson	T. M. Bieber	May 27, 1879	40 00	Consolidated Channel mine	Nevada County	
W. S. Lowden	W. H. Blythe	June 2, 1879	10 00	Blythe gold placer mine	Trinity County	Additional deposit.
J. A. Brown	J. Carrara	May 31, 1879	40 00	North California quartz mine	Amador County	
	J. B. Haggin	June 4, 1879	20 00	Toon quartz mine	Calaveras County	
	H. Junkans	June 5, 1879	15 00	Lang & Junkans mine	Trinity County	Additional deposit.
Samuel Bethell	W. D. Long	June 6, 1879	160 00	Bald Mountain mine	Sierra County	
Fred. T. Perris	Oscar Newburg	June 7, 1879	40 00	Phoenix mine and mill site	San Bernardino County	
W. S. Lowden	Ernest Hansen	June 13, 1879	40 00	Hansen gold placer mine	Trinity County	
	Horace Gasquet	June 20, 1879	40 00	Happy Camp mine	Mono County	
W. S. Lillian	J. D. Thompson	June 21, 1879	40 00	Silveropolis mine	do	
Do	do	June 21, 1879	40 00	Monte Cristo mine	do	
Do	do	June 21, 1879	40 00	Crescent mine	do	
	A. F. Benard	June 25, 1879	15 00	Virginia mines	Inyo County	
	A. Halsey	June 28, 1879	12 00	Columbia quartz mine	Plumas County	
E. C. Uren	T. C. Sterrett	June 28, 1879	40 00	Sterrett quartz mine	Placer County	
C. L. Anderson	W. L. Oliver	June 14, 1879	50 00	University mine	Mono County	
			7,950 85			

K.—Statement of accounts of deputy surveyors paid from the appropriation for the survey of public and timber lands in California during the fiscal year 1879.

50 I	Dr.				Cr.		
	Date of account.	In favor of—	Number and date of contract.	Amount.	Date.	On account of—	Amount.
	Jan. 24, 1879	J. M. Anderson.....	No. 9, July 23, 1878	\$1,330 97	July 1, 1878	By appropriation for the survey of public lands during the fiscal year ending June 30, 1879.....	\$29,500 00
	May 6, 1879	A. T. Herrmann.....	No. 10, July 25, 1878	370 39		By appropriation for the survey of timber lands during the fiscal year ending June 30, 1879.....	
	Mar. 27, 1879	do.....	No. 11, July 25, 1878	359 54			
	Feb. 27, 1879	Milton Santee.....	No. 12, July 25, 1878	2,767 94			
	Nov. 2, 1878	D. D. Brown.....	No. 13, July 30, 1878	271 37			
	Sept. 21, 1878	J. R. Glover.....	No. 14, July 23, 1878	522 09			
	May 22, 1879	W. F. Benson.....	No. 15, July 23, 1878	2,842 85			
	Jan. 20, 1879	James Branham.....	No. 16, July 25, 1878	1,302 70			
	Dec. 30, 1878	G. W. Baker.....	No. 17, July 23, 1878	4,292 84			
	Nov. 14, 1878	J. R. Glover.....	No. 18, July 23, 1878	1,309 01			
	May 1, 1879	A. A. Smith.....	No. 19, July 29, 1878	2,054 67			
	May 17, 1879	Lorenzo D. Bond.....	No. 23, July 23, 1878	1,837 14			
	Mar. 26, 1879	M. F. Reilly.....	No. 24, July 23, 1878	1,183 31			
	June 20, 1879	do.....	do.....	2,331 91			
	July 1, 1879	C. F. Putnam.....	No. 26, July 23, 1878	3,397 47			
	Feb. 24, 1879	Seth Smith.....	No. 29, Aug. 13, 1878	410 37			
	Feb. 27, 1879	P. Y. Baker.....	No. 32, Sept. 2, 1878	323 06			
	June 5, 1879	Thomas Creighton.....	No. 50, Nov. 4, 1878	1,660 15			
	Feb. 3, 1879	William H. Norway.....	No. 31, Sept. 3, 1878	570 01			
	June 27, 1879	do.....	No. 37, Sept. 18, 1878	579 05			
	May 14, 1879	S. A. Hanson.....	No. 52, Nov. 2, 1878	1,297 98			
	July 2, 1879	J. A. Benson.....	June 27, 1878	96 98			
		Balance applicable to payment of accounts for contracts made prior to July 1, 1879, and not yet audited.....		8,388 20			
				39,500 00			39,500 00

L.—Statement of accounts of appropriation for stationery, pay of messenger, and incidental expenses of the office of the United States surveyor general for California for the fiscal year ending June 30, 1879.

DR.				CR.	
Sept. 30, 1878	To amount of account for first quarter.....	\$1,377 01	July 1, 1879	By appropriation for stationery, pay of messenger, and incidental expenses, for the fiscal year ending June 30, 1879...	\$3,000 00
Dec. 31, 1878	To amount of account for second quarter.....	905 17			
Mar. 31, 1879	To amount of account for third quarter.....	338 81			
June 30, 1879	To amount of account for fourth quarter.....	379 00			
	To amount to balance.....	01			
		3,000 00			3,000 00

M.—Account of appropriation for the salary of surveyor general for California during the fiscal year ending June 30, 1879.

DR.				CR.	
Sept. 30, 1878	To salary account of Theo. Wagner for first quarter.....	\$687 50	July 1, 1879	By appropriation for salary of United States surveyor general for California during the fiscal year ending June 30, 1879.....	\$2,750 00
Dec. 31, 1878	To salary account of Theo. Wagner for second quarter.....	687 50			
Mar. 31, 1879	To salary account of Theo. Wagner for third quarter.....	687 50			
June 30, 1879	To salary account of Theo. Wagner for fourth quarter.....	687 50			
		2,750 00			2,750 00

N. —Statement of account of appropriation for the compensation of clerks and draughtsmen in the office of the United States surveyor general for California during the fiscal year ending June 30, 1879.

DR.			CR.		
Sept. 30, 1878	To salary account for first quarter	\$3,533 07	July 1, 1879	By appropriation for salaries of clerks and draughtsmen during the fiscal year ending June 30, 1879.....	\$11,000 00
Dec. 31, 1878	To salary account for second quarter.....	3,035 87			
Mar. 31, 1879	To salary account for third quarter	2,450 00			
June 30, 1879	To salary account for fourth quarter.....	1,979 92			
	To amount to balance.....	1 14			
		11,000 00			11,000 00

O.—Statement of account of appropriation (for bringing up arrears, act of March 3, 1879,) for the compensation of clerks and draughtsmen in the office of the United States surveyor general for California during the fiscal year ending June 30, 1879.

DR.			CR.		
Mar. 31, 1879	To salary account for part of second and all of third quarters.....	\$2,194 51	July 1, 1879	By appropriation for bringing up arrears, act of March 3, 1879, during the fiscal year ending June 30, 1879.....	\$3,000 00
June 30, 1879	To salary account for fourth quarter.....	804 48			
	To amount to balance.....	1 01			
		3,000 00			3,000 00

O No. 1.—Statement of special individual deposits with the United States treasurer at San Francisco, Cal., during the fiscal year 1878-'79, for compensation of clerks and draughtsmen in the office of the United States surveyor general for California.

Number of certificate.	Date of deposit.	Name of depositor.	Location of survey.	Meridian.	Amount of deposit.
10	July 1, 1878	Josiah H. Applegate.	Township 3 north, range 22 west..	San Bernardino.	\$50 00
11	July 1, 1878	Ernest V. Normand.	Township 3 north, range 23 west..	do	50 00
13	July 5, 1878	William Foxson	Township 8 north, range 33 west..	do	74 00
22	July 9, 1878	Manuel Dias	Township 2 south, range 2 west..	Mount Diablo ..	111 10
26	July 12, 1878	Henry Poe	Township 22 north, range 15 west..	do	50 00
33	July 18, 1878	John Everetts	Township 2 south, range 1 west..	Humboldt.....	30 00
36	July 20, 1878	George J. Preising..	Township 22 north, range 12 west..	Mount Diablo ..	25 00
87	July 20, 1878	Charles T. Norton ..	Township 23 north, range 14 west..	do	50 00
47	July 30, 1878	Isaac Merritt	Township 1 south, range 2 west..	do	25 00
48	July 30, 1878	José Cadoza	do	do	6 43
67	Aug. 12, 1878	Jacob Amsler	Township 3 north, range 3 east ..	Humboldt.....	25 00
68	Aug. 12, 1878	M. A. Nurse	Township 11 north, range 3 west..	Mount Diablo ..	6 00
70	Aug. 13, 1878	B. B. Redding, land agent California and Oregon Railroad Company.	Lands in list to be filed, including lands in the California and Oregon Railroad grant.	do	2,000 00
84	Aug. 22, 1878	Mullan & Hyde	Rancho San José and Addition ..	do	23 50
93	Aug. 31, 1878	John Boggs	Townships 18 and 19 north, range 2 west.	Mount Diablo ..	150 00
96	Sept. 7, 1878	E. W. Page	Township 7 south, range 4 east ..	do	50 00
99	Sept. 7, 1878	Charles Fox	Township 7 south, range 5 east ..	do	50 00
118	Sept. 13, 1878	Western Pacific Railroad Company.	Lands in list No. 19, Western Pacific Railroad, San Francisco district.	do	12 00
111	Sept. 11, 1878	Miss Mary Jane Carpenter.	Township 1 south, range 4 east ..	Humboldt.....	60 00
126	Sept. 23, 1878	Emily R. Philbrick ..	Township 16 north, range 15 west.	Mount Diablo ..	20 00
127	Sept. 23, 1878	R. J. Hopkins	do	do	20 00
136	Oct. 2, 1878	W. W. Ingraham	Township 12 south, range 1 east ..	San Bernardino.	60 00
148	Oct. 9, 1878	Otis W. Merriam	Township 7 north, range 4 west..	Mount Diablo ..	17 00
155	Oct. 15, 1878	R. Wilkin	Township 4 north, range 20 west..	San Bernardino.	25 00
178	Oct. 31, 1878	Central Pacific Railroad Company, successors to Western Pacific Railroad Company.	Township 4 north, range 6 east. Lands in list No. 8, Stockton district.	Mount Diablo ..	6 00
179	Oct. 31, 1878	do	Township 4 north 9 east, and 3 north, range 8 east. Lands in list No. 9, Stockton district.	do	12 00
190	Nov. 14, 1878	Central Pacific Railroad Company.	Lands in list No. 3, indemnity limits California and Oregon branch of Central Pacific Railroad Company.	do	586 99
191	Nov. 14, 1878	do	Lands in list No. 3, granted limits California and Oregon branch Central Pacific Railroad Company.	do	963 84
193	Nov. 20, 1878	A. Boschke	Smith's Island, township 5 south, range 13 west.	San Bernardino.	40 00
195	Nov. 21, 1878	George J. Preising..	Township 22 north, range 12 west.	Mount Diablo ..	15 00
198	Nov. 21, 1878	C. H. Carter	Township 1 north, range 16 east ..	do	10 00
208	Dec. 6, 1878	William Wehrli	Township 15 north, range 5 west..	do	50 00
225	Dec. 27, 1878	John Garnett	Township 19 north, range 8 east ..	do	15 00
234	Dec. 30, 1878	E. Snuckles	Township 17 north, range 12 west.	do	25 00
235	Dec. 30, 1878	W. A. Lambert	do	do	25 00
236	Dec. 30, 1878	E. A. Ayer	do	do	25 00
237	Dec. 30, 1878	C. B. Coates	do	do	25 00
263	Jan. 16, 1879	D. O. Philbrick	Township 16 north, range 15 west.	do	40 00
266	Jan. 18, 1879	W. W. Wilson	Township 7 south, range 8 west..	San Bernardino.	50 00
270	Jan. 31, 1879	J. L. Smith	Township 16 north, range 8 east ..	Mount Diablo ..	10 00
274	Feb. 6, 1879	William E. Hopping, county judge, Shasta County.	Town site, Copper City, Shasta County.	do	40 00
283	Feb. 13, 1879	Alexander Rummelsberg.	Township 13 north, range 4 west..	Mount Diablo ..	59 60
304	Mar. 3, 1879	N. F. Quirk	Township 18 north, range 6 west..	do	50 00
315	Mar. 24, 1879	James H. Gibson	Township 19 north, range 13 west.	do	20 00
316	Mar. 24, 1879	Horace Bigelow	do	do	30 00
317	Mar. 24, 1879	S. T. Toney	do	do	25 00
318	Mar. 24, 1879	Andrew Hamburg	do	do	25 00
325	Mar. 31, 1879	J. E. Terry	Township 12 north, range 9 east ..	do	50 00
327	Apr. 2, 1879	R. Watkins	Township 7 north, range 23 east ..	do	15 00
328	Apr. 2, 1879	Reuben Terry	do	do	15 00
329	Apr. 2, 1879	W. Boardman	do	do	15 00
330	Apr. 2, 1879	James G. Wiley	do	do	15 00

O No. 1.—Statement of special individual deposits, &c.—Continued.

Number of certificate.	Date of deposit.	Name of depositor.	Location of survey.	Meridian.	Amount of deposit.
331	Apr. 2, 1879	R. F. Trumble	Township 7 north, range 23 east ..	Mount Diablo ..	\$15 00
341	Apr. 16, 1879	Charles A. Johnston ..	Township 2 south, range 1 west ..	Humboldt	15 00
342	Apr. 16, 1879	S. D. Potter .....	.....do .....	.....do	15 00
343	Apr. 12, 1879	California and Oregon Railroad Company, by B. B. Redding.	Lands within limits of said company.	.....do	560 00
346	Apr. 19, 1879	Thomas Tradett	Township 4 south, range 27 east ..	Mount Diablo ..	50 00
349	Apr. 25, 1879	John F. Foster	Township 9 south, range 4 west ..	San Bernardino ..	30 00
356	Apr. 30, 1879	Robert Peterson	Township 10 south, range 2 east ..	Mount Diablo ..	15 00
357	Apr. 30, 1879	E. E. Smith .....	.....do .....	.....do	20 00
358	Apr. 30, 1879	M. B. Hazen .....	.....do .....	.....do	20 00
359	Apr. 30, 1879	H. C. Hazen .....	.....do .....	.....do	20 00
367	May 15, 1879	J. B. Ford	Two islands in Mendocino Bay ..	.....do	30 00
369	May 15, 1879	California and Oregon Railroad Company.	Township 18 north, range 2 west ..	Mount Diablo ..	50 00
370	May 15, 1879	.....do	Township 17 north, range 2 west ..	.....do	100 00
371	May 15, 1879	.....do	Township 19 north, range 2 west ..	.....do	100 00
373	May 22, 1879	S. J. Abbott	Township 11 north, range 3 east ..	.....do	25 00
374	May 22, 1879	William Hardin .....	.....do .....	.....do	25 00
377	May 24, 1879	Benjamin Foxen	Township 8 north, range 30 west ..	San Bernardino ..	100 00
386	June 9, 1879	Otto Sarlgren	Township 11 north, range 15 west ..	Mount Diablo ..	60 00
399	June 25, 1879	California and Oregon Railroad Company.	List No. 5, indemnity limits California and Oregon branch Central Pacific Railroad Company.	.....do	576 00
400	June 25, 1879	.....do	List No. 5, granted limits California and Oregon Branch Central Pacific Railroad Company.	.....do	708 00
401	June 25, 1879	.....do	List No. 4, indemnity limits California and Oregon Branch Central Pacific Railroad Company.	.....do	280 00
418	June 28, 1879	Patrick McDonagh ..	Township 25 south, range 8 east ..	Mount Diablo ..	20 00
414	June 28, 1879	John Von Kelsdonk ..	Township 24 south, range 9 east ..	.....do	30 00
410	June 28, 1879	J. W. Fitzpatrick ..	Township 35 north, range 2 east ..	.....do	25 00
422	June 28, 1879	Leonard Kirk .....	.....do .....	.....do	25 00
420	June 28, 1879	James Russel	Township 36 north, range 2 east ..	.....do	20 00
421	June 28, 1879	Charles Hulsey .....	.....do .....	.....do	20 00
423	June 28, 1879	A. J. Wilson .....	.....do .....	.....do	20 00
419	June 28, 1879	Thomas J. Fulton ..	Township 24 south, range 8 east ..	.....do	20 00
417	June 28, 1879	J. Webb Koimer .....	.....do .....	.....do	20 00
416	June 28, 1879	Reuben B. Stephens ..	.....do .....	.....do	15 00
415	June 28, 1879	John Ward .....	.....do .....	.....do	15 00
409	June 28, 1879	John P. Robinson ..	Township 2 south, range 30 east ..	.....do	15 00
408	June 28, 1879	E. D. Fargo .....	.....do .....	.....do	15 00
407	June 28, 1879	August Mack .....	.....do .....	.....do	15 00
406	June 28, 1879	John G. Jones .....	.....do .....	.....do	15 00
405	June 28, 1879	P. W. Bennett	Township 2 south, range 31 east ..	.....do	15 00
411	June 28, 1879	F. P. Bailey .....	.....do .....	.....do	15 00
412	June 28, 1879	W. D. Mitchell .....	.....do .....	.....do	15 00
413	June 28, 1879	E. D. Miner .....	.....do .....	.....do	15 00
		Total .....	.....do .....	.....do	8,402 86

O No. 2.—Statement of special individual deposits with the United States treasurer at San Francisco, Cal., during the fiscal year 1878-79, for compensation of clerks and draughtsmen in the office of the United States surveyor general for California.

Number of certificate.	Date of deposit.	Name of depositor.	Name of mine.	County.	Amount of deposit.
9	July 1, 1878	J. Hendy	California mine and mill site	El Dorado	\$40 00
12	July 3, 1878	M. Doolittle	Morgan Point placer mine	Del Norte	40 00
14	July 6, 1878	Peter Schafer	Orient gold placer mine	Sierra	35 00
15	July 8, 1878	T. J. Flanagan	Blue Light mine	Los Angeles	40 00
16	July 8, 1878	J. D. Dunlap	do	do	40 00
17	July 8, 1878	H. S. Thistlethwaite	do	do	40 00
18	July 8, 1878	A. Halsey	New York mine	Plumas	20 00
19	July 8, 1878	R. G. Dunn	Chance mine	Shasta	40 00
21	July 8, 1878	James P. Pierce	Blue Gravel mine	Yuba	20 00
20	July 8, 1878	R. S. Baker	Pico Oil mine	Los Angeles	35 00
23	July 9, 1878	Jerome G. Madden	Denver quicksilver mine	Sonoma	40 00
24	July 11, 1878	J. B. Haggin	Lena mine	Kern	10 00
25	July 11, 1878	do	Hidden Treasure mine	do	10 00
27	July 13, 1878	Thomas Alderson	Enterprise quartz mine	El Dorado	40 00
31	July 15, 1878	Albert Lacey	Valentine quartz mine	Calaveras	40 00
35	July 19, 1878	C. L. Street	Etna mine	Tuolumne	10 00
38	July 20, 1878	G. B. Temple	Bunker Hill placer mine	Del Norte	10 00
39	July 20, 1878	H. Gasquet	Happy Camp hydraulic mine	do	10 00
40	July 23, 1878	J. Largomarcino	J. Largomarcino & Co. placer mine	Sierra	35 00
42	July 24, 1878	W. M. Stewart	Sutler mine	Amador	40 00
43	July 24, 1878	San Pedro Mining Co.	San Pedro mine	Los Angeles	40 00
44	July 25, 1878	Thomas Baird	Orleans placer mine	Humboldt	20 00
45	July 26, 1878	G. Dussol	Derbec blue gravel mine	Nevada	75 00
46	July 27, 1878	G. W. Farr	De Bour mine	do	13 00
49	Aug. 1, 1878	W. Allen & Co.	Brown's Ravine Consolidated mine	Butte	40 00
58	Aug. 6, 1878	T. G. McLeran	Nashville mine	El Dorado	40 00
59	Aug. 6, 1878	N. Thelson & Co.	Cincinnati quartz mine	do	40 00
61	Aug. 7, 1878	B. F. Reightmeyer	Chile Jim mine	Amador	40 00
62	Aug. 8, 1878	E. C. Frisbie	Tarantula mine	Tuolumne	40 00
69	Aug. 13, 1878	E. Steele	Mountain View mine	Placer	40 00
71	Aug. 14, 1878	Thos. Alderson et al.	Enterprise quartz mine	El Dorado	10 00
72	Aug. 15, 1878	George Allen	Maxmillian mine	Amador	40 00
73	Aug. 16, 1878	B. S. Kellogg	Black Hawk and McClellan mine	Mono	40 00
74	Aug. 17, 1878	Jerry Watts	Watts Mining Company's mine	Sierra	15 00
76	Aug. 19, 1878	A. C. Taylor	Hope claim	Los Angeles	40 00
77	Aug. 19, 1878	do	Anita claim	do	40 00
78	Aug. 19, 1878	Jerry Haley	Buchanan placer mine	Placer	40 00
83	Aug. 21, 1878	E. W. Bigelow	New York Canon Consolidated mine	Nevada	40 00
85	Aug. 23, 1878	R. H. Reed	Atlanta quartz mine	El Dorado	40 00
86	Aug. 24, 1878	John Grant et al.	Taylor Flat gold placer mine	Siskiyou	40 00
88	Aug. 27, 1878	J. D. Dunlap	Dunlap Blue Light mine	Los Angeles	10 00
89	Aug. 28, 1878	H. B. & S. S. Willard	Washington placer mine	Placer	40 00
92	Aug. 30, 1878	Mrs. Bridget Dersh	Hughes placer mine	Shasta	40 00
447	May 24, 1878	A. Boushey	Argent, Zoe, End, and Rough and Ready antimony mine.	Kern	40 00
94	Sept. 2, 1878	Patrick Grant	Wisconsin mine	Sierra	10 00
96	Sept. 5, 1878	C. A. Sankey	Accepted mine	Mono	40 00
97	Sept. 5, 1878	do	Challenge mine	do	40 00
101	Sept. 7, 1878	W. M. Stewart	Relief Consolidated mine	do	40 00
102	Sept. 7, 1878	do	Concordia mine	do	40 00
103	Sept. 7, 1878	do	Maybelle mine	do	40 00
104	Sept. 7, 1878	do	Republic Consolidated mine	do	40 00
100	Sept. 7, 1878	do	Noonday mine	do	40 00
105	Sept. 9, 1878	Thos. Eggleston et al.	Eggleston & Mowrey mine	Sierra	35 00
106	Sept. 9, 1878	A. W. Poole	Cape Horn mine	Placer	40 00
107	Sept. 9, 1878	J. B. Fargo	Riqueza mine	Mono	40 00
108	Sept. 9, 1878	Charles H. Mead	Passaic mine	Placer	40 00
109	Sept. 11, 1878	A. J. Ralston	Dudley mine	Mono	40 00
110	Sept. 11, 1878	B. E. Hunter	Tarish mine and mill site	Alpine	40 00
112	Sept. 12, 1878	Niles Searls	Northern gravel mine	Nevada	40 00
119	Sept. 14, 1878	R. G. Dunn	Chance quartz mine	Shasta	10 00
121	Sept. 17, 1878	J. Largomarcino & Co.	Largomarcino & Co. placer mine	Sierra	10 00
122	Sept. 20, 1878	Richard Neville	Democrat Hill placer mine	Nevada	40 00
125	Sept. 21, 1878	The Rustler Gold Mining Company.	Rustler gold mine	Mono	40 00
124	Sept. 21, 1878	M. L. Wicks	Bavarian mine	Los Angeles	40 00
128	Sept. 23, 1878	John Poll et al.	Empire quartz mine	Amador	30 00
130	Sept. 30, 1878	J. G. Irwin	Trinity quicksilver mines Nos. 1, 2, and 3.	Trinity	5 00
131	Sept. 30, 1878	N. P. Thurston	Smartsville consolidated mine	Yuba	40 00
132	Sept. 30, 1878	T. G. McLeran	Nashville quartz mine	El Dorado	10 00
133	Oct. 1, 1878	George K. Porter	Spaulding mill site	Mono	40 00
134	Oct. 1, 1878	Theo. Wagner	On account of O. W. in the U. S. surveyor-general's office.		49 00

O No. 2.—Statement of special individual deposits, &c.—Continued.

Number of certificate.	Date of deposit.	Name of depositor.	Name of mine.	County.	Amount of deposit.
135	Oct. 2, 1878	David Nealar	Pieacho placer and lode mine	San Diego	\$300 00
143	Oct. 7, 1878	B. E. Hunter	Tarshish mine	Alpine	10 00
147	Oct. 9, 1878	Charles Gardella	Whisky Slide mine	Calaveras	40 00
145	Oct. 9, 1878	Grant I. Taggart	Taggart quicksilver mine	Trinity	5 00
151	Oct. 11, 1878	M. Eldred	Valentine quartz mining claim	Calaveras	40 00
154	Oct. 14, 1878	George Hearst	Blue Range mine	Sierra	40 00
156	Oct. 15, 1878	Henry Attwater	Relief Hill blue lead mine	Nevada	40 00
157	Oct. 16, 1878	J. W. Brown	Eclipse (Magnolia) mine	Sierra	40 00
159	Oct. 23, 1878	Horace Gasquet	Forks placer mine	Del Norte	50 00
160	Oct. 24, 1878	G. N. L. Powell	Orient mine	Sierra	40 00
162	Oct. 24, 1878	H. S. Brown	Certified copies of papers in case of rancho "El Sobrante."	Sierra	60 00
164	Oct. 25, 1878	W. D. Long	Bald Mountain mine	Nevada	40 00
165	Oct. 26, 1878	William Allen	Brown's Ravine Consolidated placer mine	Butte	20 00
166	Oct. 28, 1878	A. Hayward	Sunnyside mine	Plumas	5 00
167	Oct. 28, 1878	H. S. Brown	Certified copies of papers in case of rancho "El Sobrante."	Plumas	17 25
168	Oct. 29, 1878	John Crockett	Giant mine	Mono	40 00
169	Oct. 29, 1878	do	Moore mine	do	40 00
170	Oct. 29, 1878	do	Champion mine	do	40 00
171	Oct. 29, 1878	do	Webber mine	do	40 00
172	Oct. 29, 1878	A. Hayward	Deer Flat mine	Plumas	40 00
173	Oct. 30, 1878	C. A. Sankey	Omega & Noel mine	Mono	20 00
175	Oct. 30, 1878	J. E. Carr	Carr quicksilver mine	Trinity	5 00
174	Oct. 30, 1878	C. A. Sankey	Golding & Gazelle mine	Mono	20 00
176	Oct. 30, 1878	M. J. Crawford	Blue Point mine	Yuba	40 00
177	Oct. 30, 1878	A. Hayward	Indiana quartz mine	Amador	40 00
180	Nov. 1, 1878	Theo. Wagner	Certified copies of records, &c	do	15 00
181	Nov. 5, 1878	C. L. Street	Independent quartz mine	Tuolumne	40 00
182	Nov. 6, 1878	A. Halsey	Monumental placer mine	Plumas	40 00
183	Nov. 9, 1878	William Hall & Co.	Dave Hall gold placer mine	Tuolumne	40 00
184	Nov. 11, 1878	Kenton Quartz Mining Company.	Kenton quartz mine	Sierra	40 00
185	Nov. 11, 1878	Lewis Mowry	Eggleston & Mowry mine	do	50 00
187	Nov. 11, 1878	J. M. Litchfield & Co.	Tellurium gold and silver quartz mine	Amador	40 00
188	Nov. 12, 1878	A. Halsey	Plumas National gold mine	Plumas	70 00
192	Nov. 16, 1878	W. E. Brown (sup't)	South Hite gold mine	Mariposa	60 00
196	Nov. 21, 1878	Thomas Price	Pebble Hill mine	El Dorado	40 00
197	Nov. 21, 1878	John G. Nute	Cosmopolitan gold mine	Amador	40 00
199	Nov. 21, 1878	Bodie Gold Mining Co.	Bodie mine	Mono	150 00
201	Nov. 25, 1878	Theo. Wetzell	Montreal placer mine	Nevada	40 00
202	Nov. 25, 1878	W. E. Hopping	Dudley gold placer mine	Shasta	40 00
203	Nov. 26, 1878	L. T. Lewis	Crown Point mine	Amador	10 00
204	Dec. 2, 1878	Theo. Wagner	Certified copies of records, &c	do	24 00
206	Dec. 5, 1878	A. Halsey	Minerva placer mine	Plumas	40 00
209	Dec. 6, 1878	J. H. Baird	Adams & McClure Canon mine	Placer	40 00
205	Dec. 6, 1878	James Phillips	Wild Cat placer mine	Nevada	40 00
210	Dec. 10, 1878	R. P. Fouke	Virginia mine	Mono	40 00
212	Dec. 10, 1878	W. H. Kinder	Sacramento and Bear River mine	Placer	40 00
213	Dec. 12, 1878	N. Hornberger	Hornberger quartz mine	Amador	40 00
214	Dec. 20, 1878	A. J. Ralston	Yerrington mine	Mono	30 00
215	Dec. 20, 1878	do	Glencoe mine	do	30 00
216	Dec. 20, 1878	do	Solano mine	do	30 00
217	Dec. 20, 1878	do	Security mine	do	30 00
218	Dec. 20, 1878	do	Dearborn mine	do	25 00
219	Dec. 20, 1878	do	San Pedro mine	do	25 00
220	Dec. 20, 1878	do	San Nicolas mine	do	25 00
221	Dec. 20, 1878	do	Monongahela mine	do	25 00
222	Dec. 20, 1878	William M. Stewart	Baltimore American mine	do	35 00
223	Dec. 20, 1878	do	Bonanza mine	do	30 00
224	Dec. 20, 1878	do	Curry mine	do	30 00
229	Dec. 30, 1878	W. H. Lent	Facto mine	do	40 00
230	Dec. 30, 1878	do	University 1st N. Extens'n mine	do	40 00
231	Dec. 30, 1878	do	Bullwhacker mine	do	40 00
232	Dec. 30, 1878	do	Old Dan mine	do	40 00
233	Dec. 30, 1878	Horace Champlain et al	Champlain & Co. gold placer mine	do	40 00
238	Dec. 31, 1878	A. Halsey	Knox & Boyle mine	Tuolumne	40 00
239	Dec. 31, 1878	A. B. Preston et al.	Cook Gravel mine	do	40 00
240	Dec. 31, 1878	Theo. Wagner	Certified copies of records, &c	do	58 75
241	Dec. 31, 1878	do	do	do	5 00
242	Jan. 4, 1879	M. G. Rhodes	South Side mine	Napa	40 00
243	Jan. 4, 1879	do	Osceola mine	do	40 00
244	Jan. 4, 1879	do	Fannie mine	do	40 00
245	Jan. 4, 1879	do	Humboldt mine	do	40 00
246	Jan. 4, 1879	Thomas Poyzer	Mount placer mine	Nevada	40 00
247	Jan. 4, 1879	I. S. Van Winkle	Berry mine	do	40 00
248	Jan. 4, 1879	McFarland & Farr	Mammoth quartz mine	El Dorado	40 00
257	Jan. 7, 1879	E. J. Bricker et al	Vaughn quartz mine	Amador	40 00

O No. 2.—Statement of special individual deposits, &c.—Continued.

Number of certificate.	Date of deposit.	Name of depositor.	Name of mine.	County.	Amount of deposit.
253	Jan. 8, 1879	William Wells	Lamphear quartz mine	Calaveras	\$40 00
254	Jan. 8, 1879	George E. Turner	Evergreen quartz mine	Nevada	40 00
255	Jan. 8, 1879	J. H. Gillenwaters	Occidental mine	Tehama	40 00
256	Jan. 8, 1879	Theo. Wagner	Certified copies of records, &c.		20 00
259	Jan. 9, 1879	C. Danninbrink	Howell gold placer mine	Trinity	40 00
260	Jan. 13, 1879	J. H. Logan <i>et al</i>	Santa Cruz quicksilver mine	San Benito	38 00
261	Jan. 14, 1879	G. D. McLean	Esperance placer mine	Nevada	40 00
262	Jan. 15, 1879	O. H. McKee	Certified copies of plats and papers		25 00
264	Jan. 16, 1879	Thomas Blythe	Blythe mine	Trinity	40 00
267	Jan. 24, 1879	W. M. Stewart	Five copies of papers for Noon-day and Concordia mine.		5 00
269	Jan. 28, 1879	W. E. Brown	South Hite mill site	Mariposa	40 00
271	Jan. 31, 1879	Theo. Wagner	Certified copies of papers, &c.		32 85
272	Feb. 1, 1879	A. B. Beauvais	Certified copies of records, &c.		12 00
275	Feb. 6, 1879	J. D. Goodwin	Newtown Flat placer mine	Plumas	40 00
276	Feb. 6, 1879	A. Halsey	Independence placer mine	do	40 00
277	Feb. 6, 1879	do	Centennial placer mine	do	40 00
278	Feb. 10, 1879	Jacob Tomb	Union mine	do	40 00
279	Feb. 10, 1879	Henry Attwater	Relief Hill blue gravel mine	Nevada	10 00
280	Feb. 12, 1879	Charles E. Sherman	New World mine	Kern	40 00
281	Feb. 12, 1879	do	Clay Bank mine	do	40 00
282	Feb. 12, 1879	John Jacobsen	Mammoth mine	El Dorado	10 00
284	Feb. 14, 1879	G. P. Thurston	Smartsville Consolidated mine	Yuba	20 00
287	Feb. 15, 1879	Thomas Price	Pebble Hill placer mine	El Dorado	10 00
288	Feb. 17, 1879	George Allen	Maximilian mine	Amador	40 00
289	Feb. 17, 1879	E. Nichols <i>et al</i>	Calais placer mine	Nevada	40 00
292	Feb. 24, 1879	J. A. Crabtree	Loop mine	Tulare	40 00
298	Feb. 24, 1879	Robert Aitken	Clyde mine	Amador	10 00
294	Feb. 24, 1879	J. B. Haggin	Lodi mine and mill site	Calaveras	40 00
295	Feb. 24, 1879	do	Toon mine and mill site	do	40 00
296	Feb. 24, 1879	do	Mason (now Hurricane) mine	do	20 00
298	Feb. 27, 1879	J. B. Trickey	Gagnese quartz mine	Tuolumne	40 00
301	Feb. 28, 1879	Maurice Hyde	Maurice Hyde placer mine	Trinity	40 00
303	Mar. 3, 1879	Elias Jacob	Haweah limestone mine	Tulare	40 00
305	Mar. 5, 1879	N. H. Conklin	Duplicate plats, &c., of Helvetia mine and mill site.	San Diego	15 00
313	Mar. 20, 1879	W. L. Oliver	University gold mine	Mono	40 00
319	Mar. 25, 1879	A. Halsey	Spring Valley Mining and Irrigating Company's mine.	Butte	90 00
320	Mar. 26, 1879	T. M. Tharp <i>et al</i>	Hope quartz mine	Placer	40 00
335	Apr. 8, 1879	C. W. Hendel	Go-Ahead mine	Sierra	18 00
337	Apr. 10, 1879	Frank Prudhamme	Prudhamme quartz mine	Tuolumne	40 00
338	Apr. 12, 1879	Jeremiah Long	Ophir quartz mine	El Dorado	40 00
339	Apr. 14, 1879	J. B. Haggin	Cook placer gravel mine	Calaveras	20 00
344	Apr. 17, 1879	do	Hurricane quartz mine	do	20 00
345	Apr. 18, 1879	Henry Junkans	Lang & Junkans placer mine	Trinity	40 00
347	Apr. 21, 1879	A. J. Sargent	Sargent quartz mine	Amador	40 00
351	Apr. 26, 1879	F. B. Whiting	Blackmore quartz mine	Plumas	40 00
352	Apr. 26, 1879	H. S. Bradley	Omoga quartz mine	Nevada	10 00
353	Apr. 28, 1879	C. Danninbrink	Howell gold mine	Trinity	5 00
354	Apr. 29, 1879	W. N. Cummings	Mariposa quicksilver mine	San Benito	40 00
355	Apr. 29, 1879	S. M. Holmes	True Blue mine	Mono	40 00
360	May 8, 1879	W. H. Hopkins <i>et al</i>	Golden Eagle quartz mine	Lassen	40 00
361	May 8, 1879	Hasbert & Hoes	Brush Hill quartz mine	do	40 00
362	May 12, 1879	W. H. Lent	Ceres placer mine	Mono	40 00
363	May 12, 1879	do	Uranus placer mine	do	40 00
364	May 12, 1879	A. W. Rose	Foult mine	do	40 00
365	May 12, 1879	J. P. Dyer	Don Quixotte mine	do	40 00
366	May 12, 1879	Thomas Street	Lizzie mine	do	40 00
368	May 15, 1879	Henry G. Wilson	East Green Spring mine	Placer	40 00
375	May 23, 1879	Thomas Lowdon	Lowdon gold placer mine	Shasta	40 00
378	May 27, 1879	T. M. Bieber	Consolidated Channel mine	Nevada	40 00
381	June 2, 1879	W. H. Blythe	Blythe G. P. mine	Trinity	10 00
379	May 31, 1879	J. Carara	North California quartz mine	Amador	40 00
382	June 4, 1879	J. B. Haggin	Toon quartz mine	Calaveras	20 00
383	June 5, 1879	H. Junkans	Lang & Junkans mine	Trinity	15 00
384	June 6, 1879	W. D. Long	Bald Mountain mine	Sierra	160 00
385	June 7, 1879	Oscar Newbury	Phenix mine and mill site	San Bernardino	40 00
387	June 13, 1879	Ernest Hansen	Hansen gold placer mine	Trinity	40 00
393	June 20, 1879	Horace Gasquet	Happy Camp mine	Del Norte	40 00
394	June 21, 1879	J. D. Thompson	Silveropolis mine	Mono	40 00
395	June 21, 1879	do	Monte Cristo mine	do	40 00
396	June 21, 1879	do	Crescent mine	do	40 00
402	June 25, 1879	A. F. Beward	Virginia mine	Inyo	15 00
404	June 28, 1879	A. Halsey	Columbia quartz mine	Plumas	12 00
424	June 28, 1879	T. C. Sterrett	Sterrett quartz mine	Placer	40 00
388	June 14, 1879	W. Letts Oliver	University mine and mill site	Mono	50 00

7,959 85

P.—Statement of account of special deposits for office work in the office of the United States surveyor general for California during the fiscal year 1878-'79.

DR.

CR.

1878.			1879.		
July 20	To amount of deposit by John V. Benson (withdrawn)	\$100 00	June 30	By amount of deposit for office work in survey of public lands, as per Exhibit O, No. 1	\$8,402 86
July 20	To amount of deposit by C. L. Weeks (withdrawn)	200 00		By amount of deposit for office work in survey of mining claims, as per Exhibit O, No. 1	7,959 85
Aug. 10	To amount of deposit by P. H. McGrew (withdrawn) ..	200 00			
Aug. 10	To amount of deposit by John Venette Benson (withdrawn)	50 00			
Sept. 4	To amount of deposit by W. W. Ingraham (withdrawn) ..	200 00			
Sept. 9	To amount of deposit by S. P. and J. Middleton (withdrawn)	40 00			
Dec. 16	To amount of deposit by Ernest V. Normand (withdrawn)	100 00			
Dec. 16	To amount of deposit by Josiah H. Applegate (withdrawn)	140 00			
Dec. 23	To amount of deposit by T. W. More (withdrawn)	473 96			
1879.					
Jan. 6	To amount of deposit by William Foxson (withdrawn)	200 00			
Jan. 6	To amount of deposit by Otis W. Merriam (withdrawn) ..	18 00			
Jan. 22	To amount of deposit by F. E. Fowler (withdrawn)	175 00			
Jan. 22	To amount of deposit by Z. T. Fowler (withdrawn)	19 00			
Jan. 22	To amount of deposit by C. V. Fowler (withdrawn)	175 00			
Jan. 22	To amount of deposit by David Anderson (withdrawn) ..	55 45			
Feb. 24	To amount of deposit by N. Hornberger (withdrawn) ..	40 00			
Feb. 24	To amount of deposit by Jas. Gilroy (withdrawn)	172 00			
Feb. 24	To amount of deposit by Matthew Maus (withdrawn) ..	40 00			
April 22	To amount of deposit by Samuel Lindsey (withdrawn) ..	80 00			
June 7	To amount of deposit by John Boggs (withdrawn) ..	327 00			
		2,805 41			
	Deduct for deposits made prior to July 1, 1878, included in the foregoing statement	1,900 41			
		905 00			
1878.					
Sept. 30	To amount paid clerks and draughtsmen 1st quarter ..	2,778 85			
Dec. 31	To amount paid clerks and draughtsmen 2d quarter ..	4,041 75			
1879.					
March 31	To account of clerks and draughtsmen, 3d quarter, not paid	4,255 45			
June 30	To amount paid clerks and draughtsmen 4th quarter ..	2,660 04			
	To amount to balance	1,720 62			
		16,362 71			
				By balance	1,720 62
					16,362 71

P P.—Statement of accounts paid out of the appropriation for the survey of private land claims in California during the fiscal year ending June 30, 1879.

Dr.		Cr.	
1878.		1878.	
Oct. 25	To account of San Francisco Chronicle for advertising survey of Rancho Paso de Bartolo, Joaquina Sepulveda confirmee	\$8 75	By appropriation for the survey of private land claims during the fiscal year ending June 30, 1879.....
Oct. 25	To account of Charles W. Crane for advertising survey of Rancho Saucelito.....	3 25	
Oct. 25	To account of Oakland Daily and Weekly Times for advertising survey of Rancho El Sobrante, J. J. and Victor Castro confirmees.....	9 15	
Nov. 14	To account of San Francisco Chronicle for advertising survey of Rancho El Sobrante, J. J. and Victor Castro confirmees.....	10 50	
Nov. 14	To account of Contra Costa Gazette for advertising survey of Rancho El Sobrante, J. J. and Victor Castro confirmees.....	10 00	
1879.			
Feb. 24	To account of Los Angeles Republican for advertising survey of Rancho Paso de Bartolo, Joaquina Sepulveda confirmee	8 00	
Mar. 10	To account of Thomas Thompson (Sonoma Democrat) for advertising survey of Rancho Cabeza de Santa Rosa, Jas. Eldridge confirmee.....	9 70	
Feb. 19	To account of San Francisco Chronicle for advertising survey of Rancho Paso de Bartolo, Joaquina Sepulveda confirmee.....	8 75	
Feb. 19	To account of San Francisco Chronicle for advertising survey of Rancho Cabeza de Santa Rosa, Jas. Eldridge confirmee.....	8 75	
April 15	To account of S. C. Houghton for reporting depositions of William Minto and others on behalf of the United States in the matter of contested survey of Rancho El Sobrante...	42 50	
April 28	To account of Southard Hoffman, clerk of the United States district court, for certified copies of records, decrees, &c., in private land-claim cases.....	136 20	
Mar. 6	To account of William Minto for surveying Rancho Valle de San José, Portilla confirmee...	449 37	
Mar. 10	To account of William Minto for surveying Rancho Valle de San José, Warner confirmee...	364 39	
Aug. 1	To account of William Minto for surveying Rancho Las Virgenes, Machado confirmee.	279 06	
Aug. 7	To account of William Minto for surveying Rancho Cañada del Corte de Madera, Domingo Peralta confirmee.....	174 10	
Jan. 8	To account of William Minto for surveying Rancho Jurapa, Abel Stearns confirmee.....	401 46	
April 23	To account of August E. Gans for surveying Rancho Arroyo de la Laguna.....	211 35	
July 8	To account of L. D. Bond for surveying Rancho Moquelamos	546 68	
Feb. 21	To account of William Minto for surveying Rancho Santa Margaritaylas Flores, Pico confirmee.....	409 32	
	To amount to balance.....	908 72	
		4,000 00	4,000 00
			By balance applicable to contracts made prior to July 1, 1879.....
			908 72

Q.—*Estimate for the surveying service in the district of California, for the fiscal year ending June 30, 1881.*

1. For extension of standard and exterior lines.....	\$60,000 00
2. For survey of subdivision lines.....	75,000 00
3. For survey of timber lands under the act of June 3, 1879.....	50,000 00
4. For survey of private land claims, including necessary office expenses.....	10,000 00
5. For examinations of surveys in the field and for traveling expenses in making such examinations, as provided by sec. 2223 Rev. Stat..	5,000 00
6. For compensation of clerks and draughtsman.....	20,000 00
7. For bringing up arrears of office work.....	20,000 00
8. For pay of messenger, stationary and incidental expenses. (This estimate to be placed at \$1,000 in the event of non-allowance of No. 7)	6,000 00
9. For completing the transcribing and reproduction of the Spanish archives.....	9,000 00
10. For salary of surveyor general. (See 2210 Rev. Stats.).....	3,000 00
11. For the adjustment of deficiencies in the fund of special deposits by individuals.....	8,000 00
Total.....	266,000 00

THEO. WAGNER,
United States Surveyor General, District of California.

R.—*Statement of accounts for examination of surveys in the field, paid out of the appropriation for the examination of surveys in the field in California during the fiscal year ending June 30, 1879.*

Date of account when transmitted.	In favor of—	Date of instructions.	Amount of account paid.	Date.	On account of—	Amount.
1878.				1878.		
Oct. 31	Theo. Wagner.....		\$135 75	July 1	By appropriation for	
Aug. 26	do.....		115 00		examination of sur-	
Nov. 14	J. A. Benson.....	Verbal in-	67 45		veys in the field dur-	
		structions.			ing the fiscal year	
Nov. 19	H. J. Stevenson.....	Aug. 19, 1878	512 00		ending June 30, 1879.	\$3,000 00
Nov. 21	William H. Carlton.....	Nov. 6, 1878	96 50			
Dec. 16	J. A. Benson.....	Aug. 20 and	768 77	1879.		
Dec. 16	Alexander McDonald }	Nov. 7, 1878	208 00	Feb. 28	By amount of increase	
1879.					authorized by the	
Jan. 9	James E. Woods (paid	Dec. 3, 1878	542 97		honorable Commis-	
	January 27, 1879).				sioner of the Gen-	
Jan. 9	James E. Woods (paid		100 00		eral Land Office, as	
	April 28, 1879).				per his letter "E,"	
Jan. 9	William Minto.....	Oct. 31, 1878	54 50		dated February 28,	
1878.					1879.....	1,178 97
Dec. 28	Theo. Wagner.....		161 00		By amount to balance.	2,992 06
1879.						
June 20	Tom P. Smyth.....	Aug. 31, 1878	582 97			
Feb. 4	T. H. Ward.....	Dec. 26, 1878	603 00			
Feb. 10	H. J. Stevenson.....	Aug. 19, 1878	24 00			
Mar. 25	Milton Santee.....	Dec. 28, 1878	204 00			
Feb. 1	A. E. Gans.....	Feb. 13, 1878	287 55			
Mar. 22	William Minto.....	Feb. 4, 1878	21 00			
Apr. 13	Milton Santee.....	Dec. 28, 1878	362 62			
Apr. 3	do.....	Dec. 28, 1878	185 00			
Apr. 4	James E. Woods.....	Jan. 13, 1879	312 75			
Apr. 4	do.....	Jan. 13, 1879	677 25			
Apr. 7	A. E. Gans.....	Feb. 13, 1879	346 70			
May 14	do.....	Feb. 13, 1879	642 25			
June 26	do.....	Feb. 13, 1879	160 00			
			7,171 03			7,171 03

R R.—Statement of accounts for suppressing depredations upon timber on the public lands in California, paid out of the appropriation for suppressing depredations upon timber on the public lands, act of March 3, 1879.

Date of account when transmitted.	In favor of—	Date of appointment.	Amount of account paid.	Date.	On account of—	Amount.
1878. Sept. 10	A. E. Gans	July 11, 1878	\$1,244 67	1879. July 1	By amount used of the appropriation for suppressing depredations upon timber on the public lands, act of March 3, 1879.	\$1,974 23
Oct. 10	.....do.....	July 11, 1878	729 56			
			1,974 23			

THEO. WAGNER,
United States Surveyor General, District of California.

C.—Report of the surveyor general of Colorado.

SURVEYOR GENERAL'S OFFICE,
Denver, Col., September 2, 1879.

SIR: I have the honor to transmit herewith my annual report of the surveying service of this office, in duplicate, for the fiscal year ending June 30, 1879, together with the usual tabular statements, as follows, viz:

A.—Statement of surveys made under the regular appropriation and the amount of accounts of the several deputies.

B.—Statement of surveys made under the appropriation for surveying confirmed private land claims and the accounts of the several deputies:

C.—Statement of surveys made under the acts of Congress of May 30, 1862, and March 3, 1872, and the accounts of the several deputies and of depositors for excess.

D.—Statement showing the number of townships surveyed and the area of public lands contained in the same.

E.—Statement of mining claims surveyed, together with amount deposited for office work for the same.

F.—Statement showing amount of salaries paid surveyor general and clerks in his office.

G.—Statement showing amount expended for rent, messenger, stationery, &c.

I desire again to call your attention to the fact that settlements continue in advance of surveys, and trust some satisfactory means may be devised to relieve settlers from their present embarrassments, and enable them to complete projected improvements, now delayed because of uncertainty as to how the lines to be run may affect them. The extraordinary discoveries of rich mineral during the past twelve months have attracted immense numbers of people of all classes. Farmers have followed closely in the footsteps of prospectors, and settled upon the arable lands in the valleys and on the water-courses, intending to make permanent homes.

The individual deposits for this year show an increase over the last of about \$1,400, and I anticipate a much greater increase the coming year.

The sales of mineral lands amount to 2,601 acres, at \$5 per acre = \$13,005, distributed as follows:

	Acres.
Central City land district.....	487.171
Fair Play land district	1,323.611
Lake City land district.....	790.26

During the past fiscal year, there have been surveyed under the regular appropriation 1,078,324.05 acres, at a cost to the government of \$0.0232 per acre.

In addition to the carbonates found in the vicinity of Leadville, Lake County, new discoveries of vast bodies of valuable mineral have been made, notably in the Elk Mountains, Gunnison County, and near the Musquito Pass, in Lake County. Pure silver in paying quantities has been found in the limits of the Ute reservation, and I am informed large numbers of prospectors are encroaching on the Indian lands.

The destruction of timber during the past year has been enormous, partially the result of accident, but in many cases caused by the criminal carelessness of prospectors

and campers. The more recent forest fires have been attributed to the Ute Indians, with how much foundation I am not able to determine.

In my annual report for 1877 I called attention to the importance of an early survey of all the timbered lands in the State, as a measure of protection both to the government and the settler, and I am more than ever convinced of its necessity. The lands would be at once taken up by actual settlers, whose personal interests would require the preservation of the timber from wanton waste and destruction.

The railways in the State are, and have been, extending their lines in every direction.

The Denver and South Park Railway has graded into the Arkansas Valley, and will be running into Leadville before snow falls.

The railway extensions have opened up new sections of the State and rendered the lands along the lines thereof more desirable than ever.

With my letter of July 9, 1879, I had the honor to submit the following estimates for this surveying district for the fiscal year ending June 30, 1881.

For salaries:

Salary of surveyor general.....	\$3,000
Salary of chief clerk	1,800
Salary of principal draughtsman.....	1,500
Salary of assistant draughtsman.....	1,500
Salary of two transcribing clerks, at \$1,500	3,000

Total for salaries..... 10,800

For incidentals:

For rent, messenger, stationery, &c.....	3,000
--	-------

For surveys:

Survey of 200 miles of standard lines, at \$16.....	3,200
Survey of 2,500 miles of exterior township lines, at \$14.....	35,000
Survey of 5,000 miles of subdivisonal lines, at \$10.....	50,000
Survey of 2,000 miles of subdivisonal lines, at \$6.....	12,000

Total for surveys..... 100,200

I believe the above amounts should be appropriated to meet the demands of this district. The immigration to this State this season is the largest in the history of the State or Territory, and it is estimated by good judges that it will amount in round numbers to fully 100,000 people. They have penetrated into every part of the State, and are making new settlements, for which surveys will be demanded.

In regard to arrears of office work, I have to report that the descriptive lists for the local land offices have not been prepared for the past five years, and several months' work is still necessary to complete the connected maps of mineral surveys.

I am, sir, very respectfully, your obedient servant,

WM. L. CAMPBELL,

United States Surveyor General of Colorado.

Hon. J. A. WILLIAMSON,
Comissioner of the General Land Office.

A.—Statement of surveys made under the regular appropriations and accounts of the several deputies for the fiscal year ending June 30, 1879.

1878.			1878.		
Sept. 13	John K. Ashley	\$877 87	July 1	By appropriation	\$23,400 00
24	Edwin H. Kellogg	601 13	1879.		
25	Ben. M. Whittemore	167 31	June 30	By excess	503 93
Oct. 1	Thomas B. Medary	1,128 09			
24	Jason S. Fahringer	1,208 15			
28	E. D. Bright	357 28			
Nov. 20	John K. Ashley	2,122 11			
Dec. 3	do	1,799 57			
5	William N. Byers	504 53			
20	Edwin H. Kellogg	1,796 00			
13	J. P. Maxwell	1,173 97			
20	Edwin H. Kellogg	2,169 09			
28	William M. May	386 43			
1879.					
Jan. 11	Daniel C. Oakes	3,396 68			
21	do	2,552 65			
30	Jason S. Fahringer	2,730 98			
Feb. 15	Eugene K. Stimson	261 64			
Mar. 5	Thomas B. Medary	608 65			
		23,903 93			23,903 93

B.—Statement showing amount expended in survey of private land grants for the fiscal year ending June 30, 1879.

1878. Apr. 18	Oakes & Kellogg (Medano Springs and Zapato grant).	\$1,344 79	1878. July 1 1879. Apr. 29	By appropriation	\$1,000 00
		1,344 79		By appropriation	344 79
					1,344 79

C.—Statement of surveys made under acts of Congress of May 30, 1862, and March 3, 1872, and the accounts of the several deputies and depositors for excess for the year ending June 30, 1879.

1878. June 27	George W. Wyce	\$600 00	1879. June 30	By individual deposits	\$4,970 56
July 3	Lewis Verdin (excess)	25 00			
	Albert W. Brewster	802 74			
	J. M. Lamb (excess)	4 26			
13	Albert W. Brewster	434 00			
	William N. Grey (excess)	41 00			
	E. D. Bright	362 32			
Aug. 20	J. P. Maxwell	184 36			
28	John K. Ashley	724 42			
Oct. 10	A. J. Sparks	416 30			
Nov. 7	do	593 60			
1879. Feb. 28	Edwin H. Kellogg	556 19			
	E. J. Field (excess)	68 81			
Apr. 11	J. P. Maxwell	17 50			
	W. D. Ewart (excess)	7 50			
June 3	George H. Hill	132 56			
		4,970 56			4,970 56

D.—Statement showing the number of townships surveyed and the area of public lands contained in the same during the year ending June 30, 1879.

Township.	Range.	Area.	Township.	Range.	Area.
1 north	44 west	28,072.22	10 north	73 west	23,015.75
1 north	45 west	22,947.32	11 north	74 west	22,988.74
4 north	46 west	23,061.48	11 north	75 west	22,915.29
4 north	47 west	23,099.37	11 north	76 west	23,069.11
4 north	48 west	23,113.05	1 south	76 west	24,184.58
4 north	49 west	23,154.66	2 north	79 west	22,069.67
12 north	50 west	23,091.76	9 south	80 west	22,999.73
12 north	51 west	23,066.73	10 south	80 west	23,045.85
14 north	53 west	23,176.87	5 north	84 west	23,069.88
15 north	53 west	23,126.78	14 south	86 west	23,661.99
14 north	54 west	22,962.67	12 north	91 west	15,469.60
15 north	54 west	23,009.61	12 north	92 west	15,431.62
13 north	55 west	22,992.54	12 north	93 west	15,495.09
14 north	55 west	22,269.79	11 north	94 west	22,975.23
12 north	56 west	23,070.70	12 north	94 west	15,435.34
22 north	57 west	15,506.76	10 north	95 west	22,965.77
28 north	59 west	22,974.26	11 north	95 west	22,941.99
9 north	72 west	22,933.55	10 north	96 west	22,887.57

SURVEYS FROM NEW MEXICO MERIDIAN.

33 north	7 east	23,107.79	40 north	11 east	23,123.87
32 north	8 east	14,510.74	41 north	11 east	16,462.25
32 north	9 east	14,446.41	39 north	12 east	23,072.03
42 north	9 east	22,930.78	41 north	12 east	16,675.76
41 north	10 east	22,540.80	47 north	12 east	21,373.63
42 north	10 east	21,219.51	39 north	13 east	1,625.94
33 north	11 east	14,171.03	37 north	8 west	11,541.44
34 north	11 east	17,649.54	39 north	9 west	4,480.48
35 north	11 east	18,138.13			

E.—Statement showing the number, date of approval, and location of mining claims surveyed during the fiscal year ending June 30, 1879, under the acts of Congress of July 26, 1866, and May 10, 1872, together with the amount deposited for office expenses for the same.

Number of survey.	Name of lode.	District.	Date of approval.	Location.	Amount.
386	Clay County	1	Mar. 6, 1879	Gilpin County	\$16 00
409	Indiana	1	Mar. 8, 1879	do	16 00
457	A and B Camp Grove	1	Dec. 2, 1878	do	16 00
498	Leavenworth	1	Nov. 23, 1878	do	25 00
500	McAdams	1	Mar. 1, 1879	do	25 00
508	Minnie	1	July 24, 1878	do	25 00
509	Balls County	1	July 15, 1878	do	25 00
510	A and B Caledonia	1	Nov. 21, 1878	do	25 00
511	Smith	1	Nov. 16, 1878	do	25 00
512	West Saratoga	1	Oct. 1, 1878	do	25 00
513	East Saratoga	1	Oct. 19, 1878	do	25 00
514	Nashville	1	Mar. 20, 1879	do	25 00
516	Bates	1	Dec. 17, 1878	do	25 00
517	Fisk	1	Dec. 19, 1878	do	25 00
518	Topeka	1	Dec. 28, 1878	do	25 00
519	Caledonia	1	Mar. 10, 1879	do	25 00
520	Caledonia No. 2	1	Mar. 8, 1879	do	25 00
521	Greenbacker	1	Dec. 21, 1878	do	25 00
522	King	1	Jan. 29, 1879	do	25 00
524	Hard Money	1	Dec. 31, 1878	do	25 00
525	Boss	1	Jan. 14, 1879	do	25 00
527	Queen Emma	1	Apr. 29, 1879	do	25 00
528	S. P. Chase	1	Mar. 18, 1879	do	25 00
529	Chemung	1	June 16, 1879	do	25 00
531	Wheeler Tunnel	1	Apr. 12, 1879	do	25 00
533	Rough and Ready	1	Mar. 6, 1879	do	25 00
534	Stub Tail	1	Mar. 20, 1879	do	25 00
535	George Eddy	1	Mar. 8, 1879	do	25 00
537	Williams	1	Mar. 26, 1879	do	25 00
538	Hard Money No. 2	1	May 17, 1879	do	25 00
544	A and B Phoenix and mill site	1	May 8, 1879	do	25 00
545	Tenderfoot	1	May 8, 1879	do	25 00
546	Eagle	1	May 24, 1879	do	25 00
547	Americus	1	May 24, 1879	do	25 00
562	Placer	2	July 31, 1878	Clear Creek County	16 00
584	do	2	July 31, 1878	do	16 00
405	Robinson	2	Nov. 20, 1878	do	16 00
788	A and B Saint George and mill site	2	July 2, 1878	do	25 00
789	Southeast Extension, Dives and mill site.	2	Sept. 19, 1878	do	25 00
791	Alpha	2	July 10, 1878	do	25 00
792	Freeland	2	Aug. 3, 1878	do	25 00
793	Toledo	2	Aug. 3, 1878	do	25 00
794	Placer	2	Aug. 3, 1878	do	25 00
795	American Eagle	2	July 18, 1878	do	25 00
796	Anbrey	2	July 27, 1878	do	25 00
798	Cash	2	Aug. 7, 1878	do	25 00
799	Red Jacket	2	Aug. 19, 1878	do	25 00
800	Tunnel	2	Aug. 10, 1878	do	25 00
802	Hopewell	2	Aug. 24, 1878	do	25 00
803	Teller	2	Sept. 19, 1878	do	25 00
804	Kinda	2	Nov. 30, 1878	do	25 00
805	Snow Drift	2	Oct. 5, 1878	do	25 00
806	Monarch	2	Nov. 5, 1878	do	25 00
807	Argus R.	2	Oct. 19, 1878	do	25 00
808	Amended Nathan	2	Sept. 25, 1878	do	25 00
809	Placer	2	Oct. 7, 1878	do	25 00
810	Palmerston	2	Jan. 10, 1879	do	25 00
811	Buckeye	2	Oct. 28, 1878	do	25 00
812	Multan in Parvo	2	Nov. 23, 1878	do	25 00
814	Flagstaff	2	Nov. 20, 1878	do	25 00
816	Ni Desperandum	2	Dec. 4, 1878	do	25 00
817	A and B Charles H. Moore and mill site	2	Nov. 6, 1878	do	25 00
819	Amended John A. Leslie	2	Apr. 23, 1879	do	25 00
820	Lucky and Plucky	2	Nov. 12, 1878	do	25 00
821	Drummond	2	Nov. 6, 1878	do	25 00
822	Sir Ralph de Bingham	2	Nov. 29, 1878	do	25 00
823	Cincinnati	2	Nov. 29, 1878	do	25 00
824	Omega	2	Dec. 12, 1878	do	25 00
825	Dictator	2	Dec. 4, 1878	do	25 00
826	A and B Hunter and mill site	2	Dec. 16, 1878	do	25 00
827	Tropic	2	Dec. 7, 1878	do	25 00
828	Andrews	2	Jan. 11, 1879	do	25 00
829	Silver Cloud	2	Dec. 6, 1878	do	25 00
830	Jackson	2	Dec. 27, 1878	do	25 00
832	Veta Grande	2	Jan. 21, 1879	do	25 00

E.—Statement showing number, date of approval, and location of mining claims, &c.—Cont'd.

Number of survey.	Name of lode.	District.	Date of approval.	Location.	Amount.
833	A Veta Madre of Zacatecos	2	Feb. 6, 1879	Clear Creek County.	\$25 00
833	B Mill site	2	Feb. 6, 1879	do	25 00
834	Fulton	2	Jan. 22, 1879	do	25 00
836	A and B Hoc Age and mill site	2	Feb. 24, 1879	do	25 00
837	Philadelphia	2	Jan. 24, 1879	do	25 00
838	A and B Crystal and mill site	2	Jan. 28, 1879	do	25 00
840	Placer	2	Jan. 14, 1879	do	25 00
841	Ophir	2	Mar. 12, 1879	do	25 00
842	Silver Mountain	2	Mar. 17, 1879	do	25 00
843	Christmas	2	Mar. 18, 1879	do	25 00
844	Prince Albert	2	Mar. 19, 1879	do	25 00
845	Lulu	2	Feb. 25, 1879	do	25 00
846	A and B Saint James and mill site	2	Apr. 2, 1879	do	25 00
847	A and B Blue Wing and mill site	2	Apr. 2, 1879	do	25 00
848	Jupiter	2	Mar. 8, 1879	do	25 00
849	Placer	2	Mar. 12, 1879	do	25 00
850	A and B Whale and mill site	2	Mar. 15, 1879	do	25 00
851	Louisiana	2	Mar. 17, 1879	do	25 00
852	Virginia City	2	Mar. 15, 1879	do	25 00
854	Placer	2	Mar. 26, 1879	Summit County.	25 00
855	do	2	Mar. 26, 1879	do	25 00
856	do	2	Mar. 26, 1879	do	25 00
857	do	2	Mar. 26, 1879	do	25 00
858	do	2	Mar. 26, 1879	do	25 00
859	A and B Peru and mill site	2	May 24, 1879	do	25 00
860	Stephenson	2	June 10, 1879	Clear Creek County.	25 00
861	Chance	2	June 10, 1879	do	25 00
862	Katahdin	2	May 19, 1879	do	25 00
863	Inter-Ocean	2	June 12, 1879	do	25 00
864	Washoe	2	Apr. 23, 1879	do	25 00
866	A Anna J	2	Apr. 19, 1879	do	25 00
867	United	2	Apr. 21, 1879	do	25 00
868	Selkirk	2	May 24, 1879	do	25 00
869	Stevodore	2	May 14, 1879	do	25 00
870	Stevens placer, Mammoth and Lulu lodes.	2	June 10, 1879	do	25 00
873	Lone Tree	2	June 13, 1879	do	25 00
874	Lone Tree extension	2	June 13, 1879	do	25 00
875	Johnson	2	May 19, 1879	do	25 00
876	Donaldson	2	June 11, 1879	do	25 00
879	Stalwart	2	June 19, 1879	do	25 00
880	Walton	2	June 19, 1879	do	25 00
881	Sophia	2	June 10, 1879	do	25 00
886	Placer	3	Feb. 21, 1879	Summit County.	16 00
254	Adelaide	3	Sept. 7, 1878	Lake County	25 00
289	Placer	3	July 5, 1878	do	25 00
290	Maramac	3	Nov. 5, 1878	do	25 00
291	No End	3	Nov. 18, 1878	Park County	25 00
292	Keystone	3	Oct. 5, 1878	Lake County	25 00
293	Little Pittsburg	3	July 6, 1878	do	25 00
294	Dives	3	Aug. 28, 1878	do	25 00
295	Alta	3	Aug. 8, 1878	do	25 00
297	Duncan	3	Sept. 2, 1878	do	25 00
298	Gambetta	3	Sept. 21, 1878	do	25 00
299	Terrible	3	Oct. 5, 1878	do	25 00
300	Placer	3	Oct. 9, 1878	do	25 00
301	Stray Horse	3	Aug. 30, 1878	do	25 00
303	Placer	3	Oct. 18, 1878	do	25 00
304	Ready Cash	3	Aug. 29, 1878	do	25 00
305	Thirty Per Cent	3	Sept. 6, 1878	Summit County	25 00
306	Silver Spike	3	Sept. 6, 1878	do	25 00
307	Occidental	3	Sept. 6, 1878	do	25 00
308	Ingleside	3	Sept. 6, 1878	do	25 00
309	Ingleside Extension	3	Sept. 6, 1878	do	25 00
310	Orion	3	Sept. 6, 1878	do	25 00
311	Manitou	3	Sept. 6, 1878	do	25 00
312	Legal Tender	3	Sept. 6, 1878	do	25 00
315	Robert E. Lee	3	Aug. 29, 1878	Lake County	25 00
316	Agassiz	3	Oct. 18, 1878	do	25 00
317	Robert Emmet	3	Sept. 30, 1878	do	25 00
318	Result	3	Sept. 30, 1878	do	25 00
319	Forest City	3	Sept. 30, 1878	do	25 00
320	Ocean Wave	3	Nov. 13, 1878	Park County	25 00
321	Tunnel	3	Nov. 14, 1878	do	25 00
322	Capt. Plummer	3	Nov. 15, 1878	do	25 00
323	Julia	3	Jan. 16, 1879	do	25 00
324	Fredonia	3	Oct. 18, 1878	Summit County	25 00
325	Substitute	3	Nov. 18, 1878	Park County	25 00
326	Carboniferous	3	Oct. 5, 1878	Lake County	25 00

E.—Statement showing number, date of approval, and location of mining claims, &c.—Cont'd.

Number of survey.	Name of lode.	District.	Date of approval.	Location.	Amount.
327	Oro la Plata	3	May 28, 1879	Lake County	\$25 00
328	Placer	3	Dec. 10, 1878	Summit County	25 00
330	Sappho	3	Nov. 26, 1878	Lake County	25 00
331	A and B. Defiance and mill site	3	Dec. 13, 1878	Summit County	25 00
332	A and B. Itaska and mill site	3	Dec. 6, 1878	do	25 00
333	A and B. Sciota and mill site	3	Dec. 6, 1878	do	25 00
334	A and B. Little Emma and mill site	3	Dec. 6, 1878	do	25 00
337	Ranchero	3	Dec. 10, 1878	Lake County	25 00
338	Musk Ox	3	Jan. 7, 1879	Park County	25 00
340	Placer	3	Dec. 20, 1878	Summit County	25 00
342	Silver Saddle	3	Feb. 14, 1879	Park County	25 00
344	Continental	3	Jan. 18, 1879	Lake County	25 00
345	Climax	3	Dec. 13, 1878	do	25 00
348	Flagstaff	3	Jan. 13, 1879	do	25 00
350	Nevada	3	Feb. 7, 1879	do	25 00
351	Amie	3	June 26, 1879	do	25 00
354	Double Decker	3	Feb. 23, 1879	do	25 00
356	A and B. Gold Leaf and mill site	3	Mar. 15, 1879	do	25 00
357	Placer	3	Apr. 14, 1879	do	25 00
358	Little Chief	3	Mar. 19, 1879	do	25 00
359	Placer	3	Mar. 10, 1879	Chaffee County	25 00
360	A and B. American and mill site	3	Feb. 18, 1879	Lake County	25 00
361	Morning Glory	3	Apr. 8, 1879	do	25 00
362	A and B. S. Small and mill site	3	Mar. 8, 1879	do	25 00
363	Imes	3	Apr. 11, 1879	do	25 00
364	Tip Top	3	Mar. 31, 1879	do	25 00
365	Henriett	3	May 6, 1879	do	25 00
366	Senate	3	May 6, 1879	Park County	25 00
367	Little Eva	3	Mar. 7, 1879	Lake County	25 00
368	Undine	3	Mar. 26, 1879	Summit County	25 00
369	"78"	3	Mar. 2, 1879	do	25 00
370	Autocrat	3	Mar. 5, 1879	do	25 00
371	Mill site	3	Feb. 25, 1879	Lake County	25 00
374	Great Western	3	Mar. 15, 1879	do	25 00
375	Porphyry	3	Mar. 25, 1879	do	25 00
376	A and B. Thistle and mill site	3	Mar. 25, 1879	do	25 00
377	A and B. Modest Girl and mill site	3	Mar. 18, 1879	do	25 00
378	Placer	3	Apr. 23, 1879	do	25 00
379	Sacramento	3	Apr. 23, 1879	Park County	25 00
381	Placer	3	May 1, 1879	Lake County	25 00
383	do	3	May 9, 1879	Summit County	25 00
384	Grafton	3	Apr. 23, 1879	Lake County	25 00
387	Bullion	3	June 14, 1879	do	25 00
392	Morrison	3	Apr. 23, 1879	Park County	25 00
393	Malta	3	June 30, 1879	Lake County	25 00
394	Martha	3	May 3, 1879	do	25 00
399	Placer	3	May 22, 1879	do	25 00
400	do	3	May 22, 1879	do	25 00
402	do	3	May 6, 1879	do	25 00
403	Etna	3	May 23, 1879	do	25 00
404	Snow Storm	3	June 24, 1879	do	25 00
405	Evening Star	3	May 9, 1879	do	25 00
417	Louisville	3	June 25, 1879	do	25 00
418	Alpine	3	May 31, 1879	Chaffee County	25 00
419	Vulture	3	June 24, 1879	Lake County	25 00
421	Little Silver	3	June 2, 1879	do	25 00
422	Pittsburg	3	June 21, 1879	do	25 00
426	Pandora	3	June 24, 1879	do	25 00
427	Winter	3	June 25, 1879	do	25 00
431	All Right	3	June 25, 1879	do	25 90
432	Kit Carson	3	June 25, 1879	do	25 00
435	Placer	3	June 30, 1879	do	25 00
436	do	5	June 25, 1879	do	25 00
445	Dead Broke	3	June 23, 1879	do	25 00
449	Curran	3	June 25, 1879	do	25 00
450	Colorado Chief	3	June 30, 1879	do	25 00
330	Gray Copper	4	May 19, —	Boulder County	16 00
368	Tambourine	4	July 18, 1878	do	25 00
369	Jolly Tar	4	July 25, 1878	do	25 00
370	Placer	4	Oct. 29, 1878	do	25 00
371	Isabel	4	Sept. 24, 1878	do	25 00
372	Elk Horn	4	Sept. 24, 1878	do	25 00
373	A and B. Telephone and mill site	4	Sept. 4, 1878	do	25 00
374	Lookout	4	Sept. 21, 1878	do	25 00
375	Louis	4	Oct. 19, 1878	do	25 00
376	Cold Spring	4	Dec. 18, 1878	do	25 00
377	Ellen	4	Dec. 10, 1878	do	25 00
378	Golden Age	4	Dec. 24, 1878	do	25 00
379	Kismet	4	Mar. 14, 1879	do	25 00

E.—Statement showing number, date of approval, and location of mining claims, &c.—Cont'd.

Number of survey.	Name of lode.	District.	Date of approval.	Location.	Amount.
380	Dale Owen	4	Mar. 8, 1879	Boulder County	\$25 00
381	A and B	4	Mar. 14, 1879	do	25 00
383	A and B	4	June 18, 1879	do	25 00
384	Nil Desperandum	4	June 10, 1879	do	25 00
385	Baltimore	4	June 28, 1879	do	25 00
386	Silver Harp	4	June 28, 1879	do	25 00
52	A and B	5	Mar. 20, 1879	Custer County	25 00
58	Lookout	5	Feb. 17, 1879	do	25 00
59	A and B	5	Feb. 17, 1879	do	25 00
60	Ben Franklin	5	Apr. 10, 1879	do	25 00
61	Weston	5	Apr. 17, 1879	do	25 00
62	Matchless	5	May 13, 1879	do	25 00
64	Nemaha	5	May 12, 1879	do	25 00
153	Columbus	7	Sept. 14, 1878	San Juan County	25 00
210	Edward	7	Sept. 10, 1878	do	25 00
211	Kansas City	7	Dec. 9, 1878	Ourray County	25 00
212	Placer	7	July 2, 1878	do	25 00
213	Placer	7	Sept. 12, 1878	do	25 00
214	Placer	7	July 22, 1878	Hinsdale County	25 06
215	Molas	7	July 10, 1878	San Juan County	25 00
216	Mastodon	7	Sept. 7, 1878	do	25 00
217	Oberto	7	Oct. 7, 1878	do	25 00
218	Evergreen	7	Aug. 14, 1878	do	25 00
219	A and B	7	Sept. 14, 1878	do	25 90
220	A and B	7	Sept. 14, 1878	do	25 00
221	Little Joker	7	Aug. 14, 1878	do	25 00
222	A and B	7	Oct. 1, 1878	do	25 00
224	Green Meadow	7	Sept. 11, 1878	do	25 00
225	Seven-Thirty	7	Sept. 10, 1878	do	25 00
226	Discount	7	Oct. 18, 1878	do	25 00
227	Canandagua	7	Oct. 18, 1878	do	25 00
228	Three Brothers	7	Oct. 22, 1878	do	25 00
229	Virginus	7	Oct. 11, 1878	Ourray County	25 00
230	Green Mountain No. 2	7	Oct. 22, 1878	San Juan County	25 00
231	Letcher	7	Oct. 18, 1878	do	25 00
232	Buckeye	7	Oct. 1, 1878	do	25 00
233	Palmetto	7	Sept. 19, 1878	Hinsdale County	25 00
234	J. Baldwin	7	Oct. 19, 1878	San Juan County	25 00
235	Great Eastern No. 2	7	Oct. 1, 1878	do	25 00
236	Honolulu	7	Nov. 27, 1878	do	25 00
237	A and B	7	Nov. 8, 1878	Hinsdale County	25 00
238	Emma	7	Nov. 9, 1878	San Juan County	25 00
239	Great Eastern	7	Nov. 29, 1878	do	25 00
243	Red Cloud	7	Nov. 25, 1878	Ourray County	25 00
244	Placer	7	Mar. 26, 1879	do	25 00
245	A and B	7	Nov. 7, 1878	San Juan County	25 00
249	La Plata	7	Nov. 30, 1878	do	25 00
250	Lookout	7	Nov. 21, 1878	do	25 00
251	Mountaineer	7	Nov. 21, 1878	do	25 00
252	Placer	7	Dec. 4, 1878	Ourray County	25 00
253	Mill site	7	Dec. 13, 1878	do	25 00
254	Pride of the West Extension	7	Jan. 17, 1879	San Juan County	25 00
258	Dayton	7	Mar. 22, 1879	do	25 00
259	Cleveland	7	Mar. 22, 1879	do	25 00
260	Placer Extension	7	Mar. 26, 1879	Ourray County	25 00
261	Placer	7	Apr. 23, 1879	do	25 00
263	Fisherman	7	May 29, 1879	do	25 00
264	Trout	7	May 29, 1879	do	25 00
265	Grey Copper	7	May 29, 1879	do	25 00
266	Placer	7	May 29, 1879	Hinsdale County	25 00
269	Mill site	7	June 2, 1879	do	25 00
270	Placer	7	June 9, 1879	do	25 00
271	North Star	7	June 17, 1879	San Juan County	25 00
272	Terrible	7	June 14, 1879	do	25 00

F.—Statement showing amount of salaries paid surveyor general and clerks in his office for the fiscal year ending June 30, 1879.

DR.			CR.		
1878.	Paid from regular appropriations—salaries:		1878.	By regular appropriation	\$3, 500 00
Sept. 30	First quarter	\$847 83	July 1	By balance from last fiscal year	4, 005 29
Dec. 31	Second quarter	825 00		By amount special deposit—mining surveys	10, 140 00
1879.				By surveys—township	375 00
Mar. 31	Third quarter	1, 200 00		Vigil and St. Vrain grant	50 95
June 30	Fourth quarter	627 17			
1878.	Paid from special deposit—salaries:				
Sept. 30	First quarter	1, 932 17			
Dec. 31	Second quarter	2, 360 00			
1879.					
Mar. 31	Third quarter	1, 925 00			
June 30	Fourth quarter	2, 895 00			
	To balance	5, 549 07			
	Total	18, 071 24		Total	18, 071 24

G.—Statement showing amount expended for rent of office, books, stationery, fuel, and other incidental expenses for the fiscal year ending June 30, 1879.

DR.			CR.		
1878.			1878.		
Sept. 30	To expenses, first quarter	\$1, 149 70	June 30	By regular appropriation	\$1, 500 00
Dec. 31	To expenses, second quarter ..	471 25	Sept. 30	By special deposit fund	842 40
1879.					
Mar. 31	To expenses, third quarter ...	412 10			
June 30	To expenses, fourth quarter ..	309 35			
	Total	2, 342 40		Total	2, 342 40

D.—Report of the surveyor general of Dakota.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Yankton, Dak., August 25, 1879.

SIR: In compliance with instructions contained in your circular letter of April 21, 1879, initial E, I have the honor to transmit in duplicate, herewith, my annual report of surveying operations in this district for the fiscal year ending June 30, 1879.

FIELD WORK.

Surveys were executed covering 160 miles 77 chains and 11 links of base and standard lines; 469 miles 17 chains and 85 links of township lines; 2,776 miles 78 chains and 50 links of section and meander lines; comprising an area of 1,042,116 acres, and making a total of 19,780,876.20 acres of surveyed land in the Territory, exclusive of Indian and Military reservations, town-sites, and mining claims. There were surveyed during the fiscal year 46 lode and 9 placer mining claims.

PROGRESS.

The tide of immigration to the Territory, predicted in my last two annual reports, has exceeded the largest estimates of the most sanguine. It is believed that the records of your office will show that Dakota stands at the head of surveying districts in point of number of acres taken by settlers under the various acts of Congress. Districts surveyed last season are now covered with settlers. In several instances thriving towns have sprung up on lands surveyed less than six months since. The prices paid for unimproved agricultural lands along the Northern Pacific Railroad surveyed within three years has reached, at various points, as high as \$9 or \$10 per acre.

Notwithstanding many unfavorable conditions the wheat crop the present season will prove to be very large, ranging from 10 to 35 bushels per acre, and the quality is stated to be equal to any in the country. "Dakota Hard" wheat has already a wide reputation; other crops are exceptionally good.

The success in stock raising in the past four years has given a notable impetus to that industry, and large herds are being collected in various parts of the Territory. Dakota is destined at no distant day to become a great stock-growing country.

The mineral and agricultural resources of the Black Hills are steadily growing and assuming permanence and stability. It is estimated that 2,000 acres of wheat, averaging 40 bushels to the acre, will be produced this season in that region, although the first surveys ever made there are covered by this report. Two flouring mills are now in course of construction.

Mining in the "Hills," both silver and gold, is growing into a legitimate business, with a gradually increasing production.

The recent Executive order restoring to settlement a large tract of valuable land east of the Missouri River will draw many people besides those now there to the fertile banks of the river. A wide strip the entire length of the river through this newly opened tract should be surveyed at once.

The sharp contest of great competing railway corporations for control of the business of various portions of the Territory is the best testimony to its rapid growth and future prospects.

The Northern Pacific, Milwaukee and Saint Paul, Chicago and Northwestern, Southern Minnesota, Dakota Southern, and other lines are pressing forward to share in the prosperity and wealth which their experience assures them is in the near future for Dakota.

The public survey should keep pace with this onward march and not lag behind it, as has been the case for the past three years. More land has been taken in that time than was surveyed, and this year, as I predicted in my last annual report, the deficiency will be very large. The best interests of the government and the necessities of the Territory demand a liberal policy in this respect.

I have the honor to refer to the following tabular statements for the details of the year's work.

Very respectfully, your obedient servant,

HENRY ESPERSEN,
United States Surveyor General.

Hon. J. A. WILLIAMSON,
Commissioner of the General Land Office, Washington, D. C.

ESTIMATES.

A.—*Estimates of appropriations required for continuing the public surveys in the district of Dakota, for salary of surveyor general and pay of clerks in his office, as per act of Congress March 2, 1831, and for the incidental expenses of the office for the fiscal year ending June 30, 1881.*

SURVEYS.

For surveying the standard lines.....	\$1, 500
For surveying the township lines	8, 820
For subdividing townships.....	129, 600
Total for surveys	139, 920
For salary of surveyor general.....	2, 500
For pay of clerks in his office	9, 500
For rent of office and incidental expenses.....	2, 700
Total	14, 700

HENRY ESPERSEN,
United States Surveyor General.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Yankton, Dak., July 8, 1879.

B.—Statement showing the extent and cost of surveys executed in Dakota during the fiscal year ending June 30, 1879.

Number of contract.	Date.	Name of deputy surveyor.	Character and locality of work.	Base lines.	Standards.	Guides.	Township lines.	Section, meander, and connecting lines.	Cost.	Remarks.
	1878.			<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>		
174	July 19	George G. Beardsley ..	Subdivision of townships 142 and 143 north, ranges 57, 58, 59, 60, and 61, and township 142 north, ranges 62, 63, and 64; all west of the fifth principal meridian.	-----	-----	-----	-----	799 26 43	\$4,795 97	Plats and field notes transmitted and accounts audited and closed.
175	July 22	Charles Scott	The Black Hills base line through ranges 1, 2, 3, 4, 5, 6, 7, 8, and 9; first standard parallel north, through ranges 3, 4, 5, 6, and 7; second standard parallel, through ranges 1 and 2; first guide meridian east from the Black Hills base line to the first standard parallel north. Exterior boundaries of township 1 north, ranges 8 and 9; township 5 north, ranges 3, 4, and 5; township 6 north, ranges 2, 3, and 4; townships 7 and 8 north, range 2. Subdivision of township 1 north, ranges 8 and 9 east; township 5 north, range 5 east; township 6 north, ranges 2, 3, and 4 east, and townships 7 and 8 north, range 2 east; all north of the Black Hills base line and east of the Black Hills meridian.	54 00 00	42 00 00	24 00 00	143 59 14	489 19 95	6,693 04	Do.
176	July 22	Higbee & Marshall ...	All of the unsurveyed exterior boundaries of townships 119 and 120 north, range 62; townships 117, 118, 119, and 120 north, ranges 63 and 64. Subdivision of townships 117 and 118 north, of ranges 63 and 64, and townships 119 and 120 north, of ranges 62 and 63 west, fifth principal meridian.	-----	-----	-----	101 29 27	479 39 67	3,586 53	Do.
177	July 23	Horace J. Austin	Exterior boundaries of township 121 north, ranges 56 to 64 inclusive, and subdivision of township 121 north, of ranges 55, 56, 57, 58, 59, 60, 61, and 62; all west of the fifth principal meridian.	-----	-----	-----	102 07 05	484 54 01	3,622 67	Do.

B.—Statement showing the extent and cost of surveys executed in Dakota, &c.—Continued.

Number of contract.	Date.	Name of deputy surveyor.	Character and locality of work.	Base lines.	Standards.	Guides.	Township lines.	Section, meander, and connecting lines.	Cost.	Remarks.
178	1879. July 25	E. H. Van Antwerp...	All of the standard, township, and range lines between the ninth and tenth standard parallels, west of the Missouri River, to and including range 83. The subdivision of fractional townships 138 and 139 north, of ranges 80 and 81. Fractional township 140 north, range 81, and townships 138 and 139 north, ranges 82 and 83; all west of the fifth principal meridian.	<i>M. chs. lks.</i> -----	<i>M. chs. lks.</i> 45 11 66	<i>M. chs. lks.</i> 5 65 45	<i>M. chs. lks.</i> 122 02 39	<i>M. chs. lks.</i> 344 38 81	\$3,430 75	Surveys incomplete and deputy in the field.
179	Aug. 12	William H. H. Beadle	Subdivision of township 121 north, range 63, and townships 119 and 120 north, range 64; all west of fifth principal meridian.	-----	-----	-----	-----	179 59 63	1,078 47	Plats and field notes transmitted and accounts audited and closed.
183	1879. Apr. 26	Higbee & Bates.....	The ninth standard parallel from range 83 to the line between ranges 88 and 89; tenth standard parallel from range 83 to the twelfth guide meridian; twelfth guide meridian from the ninth to the tenth standard parallels. Exterior boundaries of townships 137, 138, 139, and 140 north, of ranges 84, 85, 86, and 87, and townships 137 and 138 north, of range 88, and subdivision of townships 137, 138, 139, and 140 north, of ranges 84, 85, and 86, and townships 137 and 138 north, of range 87; all west of the fifth principal meridian.	-----	-----	-----	-----	-----	-----	Deputies in the field.
Total				54 00 00	87 11 66	29 65 45	469 17 85	2,776 78 50	23,207 43	

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Yankton, Dak., August —, 1879.

HENRY ESPERSEN,
United States Surveyor General.

C.—Statement showing the condition of appropriation for survey of public lands in Dakota for the fiscal year ending June 30, 1879.

Dr.

Cr.

Date of account.	No. of contract.	Contractors.	Amount.	Date.	Appropriation.	Amount.
Oct. 7, 1878	174	George G. Beardsley	\$1,091 48	July 15, 1878	By amount assigned to Dakota for the survey of public lands for the fiscal year ending June 30, 1879.....	\$23,500 00
Nov. 29, 1878	174	.....do	719 53		
Jan. 28, 1879	174do	1,811 88	Apr. 18, 1879	By additional assignment	7,000 00
Apr. 11, 1879	174	.....do	1,173 08		
Oct. 21, 1878	175	Charles Scott	1,452 00			
Jan. 21, 1879	175	.....do	2,076 01		
Mar. 10, 1879	175	.....do	1,688 44		
Aug. 9, 1879	175	.....do	1,476 59		
Oct. 21, 1878	176	Higbee & Marshall	1,071 20			
Nov. 8, 1878	176	.....do	2,515 33		
Oct. 14, 1878	177	Horace J. Austin	714 62			
Dec. 10, 1878	177	.....do	2,908 05		
Oct. 23, 1878	178	Edwin H. Van Antwerp	1,367 87			
Nov. 21, 1878	178	.....do	1,439 03		
Feb. 4, 1879	178	.....do	623 85		
Oct. 29, 1878	179	William H. H. Beadle	1,078 47			
		Unexpended balance.....	7,292 57			
		Total.....	30,500 00		Total.....	30,500 00

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Yankton, Dak., August —, 1879.

HENRY ESPERSEN,
United States Surveyor General.

PUBLIC LANDS.

D.—Statement showing the amount of salaries paid surveyor general and clerks for fiscal year ending June 30, 1879.

DR.

CR.

Date.		Amount.	Date.		Amount.
Sept. 30, 1878	To salaries for first quarter	\$1,525 00	June 19, 1878	By appropriation	\$6,500 00
Dec. 31, 1878	To salaries for second quarter	1,713 33			
Mar. 31, 1879	To salaries for third quarter	1,750 00			
June 30, 1879	To salaries for fourth quarter	1,511 67			
	Total	6,500 00		Total	6,500 00

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Yankton, Dak., August —, 1879.

HENRY ESPERSEN,
United States Surveyor General.

E.—Statement showing the amount expended for rent of office, fuel, books, stationery, and other incidentals for the fiscal year ending June 30, 1879.

DR.

CR.

Date.		Amount.	Date.		Amount.
Sept. 30, 1878	To expenses for first quarter	\$423 34	June 20, 1878	By appropriation	\$1,500 00
Dec. 31, 1878	To expenses for second quarter	463 00			
Mar. 31, 1879	To expenses for third quarter	350 35			
June 30, 1879	To expenses for fourth quarter	263 31			
	Total	1,500 00		Total	1,500 00

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Yankton, Dak., August —, 1879.

HENRY ESPERSEN,
United States Surveyor General.

F.—A list of townships surveyed during the fiscal year ending June 30, 1879, with area of each, showing date of transmission of plat to local land offices.

Number.	Townships.	Range.		Area.	Plats and descriptions, when transmitted.	Land district.
1	121 north..	55 west	Of fifth principal meridian	22, 718.66	May 27, 1879	Yankton, Dak.
2	121 north..	56 west	.....do	23, 036.32	May 27, 1879	Do.
3	121 north..	57 west	.....do	22, 970.92	May 27, 1879	Do.
4	142 north..	57 west	.....do	23, 066.29	Mar. 22, 1879	Fargo, Dak.
5	143 north..	57 west	.....do	23, 001.10	Mar. 22, 1879	Do.
6	121 north..	58 west	.....do	23, 028.88	Apr. 25, 1879	Do.
7	142 north..	58 west	.....do	22, 903.68	Mar. 22, 1879	Do.
8	143 north..	58 west	.....do	22, 999.38	Mar. 22, 1879	Do.
9	121 north..	59 west	.....do	23, 074.28	Apr. 25, 1879	Do.
10	142 north..	59 west	.....do	22, 849.98	Mar. 22, 1879	Do.
11	143 north..	59 west	.....do	22, 730.26	Mar. 22, 1879	Do.
12	121 north..	60 west	.....do	23, 065.59	Apr. 25, 1879	Do.
13	142 north..	60 west	.....do	22, 923.49	Mar. 22, 1879	Do.
14	143 north..	60 west	.....do	22, 532.37	Mar. 22, 1879	Do.
15	121 north..	61 west	.....do	22, 057.34	Apr. 25, 1879	Do.
16	142 north..	61 west	.....do	22, 925.01	Mar. 22, 1879	Do.
17	143 north..	61 west	.....do	22, 888.85	Mar. 22, 1879	Do.
18	119 north..	62 west	.....do	22, 987.59	Apr. 25, 1879	Springfield, Dak.
19	120 north..	62 west	.....do	22, 588.37	Apr. 25, 1879	Do.
20	121 north..	62 west	.....do	23, 134.69	Apr. 25, 1879	Fargo, Dak.
21	142 north..	62 west	.....do	22, 487.77	Apr. 25, 1879	Do.
22	117 north..	63 west	.....do	22, 965.62	Apr. 25, 1879	Springfield, Dak.
23	118 north..	63 west	.....do	23, 064.96	Apr. 25, 1879	Do.
24	119 north..	63 west	.....do	23, 029.22	Apr. 25, 1879	Do.
25	120 north..	63 west	.....do	22, 429.97	Apr. 25, 1879	Do.
26	121 north..	63 west	.....do	23, 079.50	Apr. 25, 1879	Fargo, Dak.
27	142 north..	63 west	.....do	21, 791.46	Apr. 25, 1879	Do.
28	117 north..	64 west	.....do	22, 971.08	Mar. 25, 1879	Springfield, Dak.
29	118 north..	64 west	.....do	22, 982.33	Apr. 25, 1879	Do.
30	119 north..	64 west	.....do	23, 000.52	Apr. 25, 1879	Do.
31	120 north..	64 west	.....do	22, 260.47	Apr. 25, 1879	Do.
32	142 north..	64 west	.....do	22, 781.32	Apr. 25, 1879	Fargo, Dak.
33	139 north..	80 west	.....do	114.76	Mar. 20, 1879	Bismarck, Dak.
34	138 north..	81 west	.....do	18, 020.05	Mar. 20, 1879	Do.
35	139 north..	81 west	.....do	17, 778.53	Mar. 20, 1879	Do.
36	138 north..	82 west	.....do	23, 042.12	Mar. 20, 1879	Do.
37	139 north..	82 west	.....do	22, 974.45	Mar. 20, 1879	Do.
38	138 north..	83 west	.....do	23, 018.75	Mar. 20, 1879	Do.
39	139 north..	83 west	.....do	22, 965.30	Mar. 20, 1879	Do.
40	6 north..	2 east	Of Black Hills, Mont	23, 123.90	Jan. 21, 1879	Deadwood, Dak.
41	7 north..	2 east	.....do	22, 996.94	Mar. 10, 1879	Do.
42	8 north..	2 east	.....do	22, 823.32	Mar. 10, 1879	Do.
43	6 north..	3 east	.....do	22, 906.25	Mar. 10, 1879	Do.
44	6 north..	4 east	.....do	22, 335.55	Mar. 10, 1879	Do.
45	5 north..	5 east	.....do	22, 996.99	.....	Do.
46	1 north..	8 east	.....do	23, 046.83	.....	Do.
47	1 north..	9 east	.....do	23, 044.99	.....	Do.

RECAPITULATION.

Total number of acres surveyed in fiscal year ending June 30, 1879 1, 042, 118. 00.
 914 townships previously surveyed and reported 18, 788, 760. 20

Total number of acres surveyed 19, 780, 876. 20

HENRY ESPERSEN,
United States Surveyor General.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
 Yankton, Dak., August —, 1879.

G.—Statement of the condition of the fund created by individual deposits for office work in connection with the survey of mining claims.

DE.

CR.

Date.		Amount.	Date.		Amount.
1878.			1878.		
Sept. 30	To amount paid mineral clerks first quarter	\$630 00	June 30	By unexpended balance.....	\$910 00
Dec. 31	To amount paid mineral clerks second quarter	398 00	1879.		
Mar. 31	To amount paid mineral clerks third quarter.....	380 00	June 30	By special deposits from July 1, 1878, to June 30, 1879 ...	1,710 00
June 30	To amount paid mineral clerks fourth quarter	480 00			
June 30	To unexpended balance	732 00			
	Total	2,620 00		Total	2,620 00

HENRY ESPERSEN,
United States Surveyor General.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Yankton, Dak., August —, 1879.

H.—Statement showing the condition of mining surveys and special deposits for office work in connection with the same, at the close of the fiscal year ending June 30, 1879.

Number of surveys.	Name of mine.	Where located.		Name of claimant.	Amount of deposit.	Name of surveyor.	Survey ordered.	Plats and field notes returned.	Survey approved.	Remarks.
		District.	County.							
126	Althea lode.....	Whitewood...	Lawrence	C. G. Ankeny et al.....	\$30	Wm. L. Smith..	July 2, 1878	July 19, 1878	Sept. 10, 1878	Plats, &c., transmitted to land office.
127	Hibernia lode.....	do.....	do.....	Alexander Engh.....	30	R. H. Kello.....	July 9, 1878	July 27, 1878	Oct. 29, 1878	Do.
128	El Salado lode.....	Spruce Gulch..	do.....	James Terry et al.....	30	J. D. McIntyre..	July 20, 1878	Aug. 23, 1878	Oct. 1, 1878	Do.
129	Ophir lode.....	Whitewood....	do.....	Carey D. Porter, superintendent.	30	do.....	Aug. 2, 1878	Sept. 9, 1878	Sept. 13, 1878	Do.
130	Golden Terry lode.....	do.....	do.....	do.....	30	do.....	Aug. 2, 1878	Sept. 9, 1878	Sept. 16, 1878	Do.
131	Buckeye West lode.....	do.....	do.....	George Hearst.....	30	do.....	Aug. 12, 1878	Mar. 14, 1879	Mar. 22, 1879	Do.
132	Lincoln lode.....	do.....	do.....	Samuel McMaster.....	30	do.....	Aug. 12, 1878	Sept. 24, 1878	Oct. 2, 1878	Do.
133	Merritt No. 2 lode.....	Bear Butte.....	do.....	Calvin E. Le Roy.....	30	H. C. Rohleder..	Aug. 27, 1878	Sept. 30, 1878	Nov. 21, 1878	Do.
134	Placer claims Nos. 11, 12, and 13.	Lost.....	do.....	Samuel McMaster.....	30	J. D. McIntyre..	Sept. 27, 1878	Oct. 11, 1878	Nov. 2, 1878	Do.
135	Baltic lode.....	Whitewood....	do.....	John Fortune.....	30	H. C. Rohleder..	Oct. 5, 1878	Oct. 22, 1878	Oct. 25, 1878	Do.
136	Placer claim No. 13.	Lost.....	do.....	S. P. Romans et al.....	30	do.....	Oct. 17, 1878	Dec. 18, 1878	Jan. 24, 1879	Do.
137	Spotted Horse Chief lode.	Whitewood....	do.....	W. A. Beard et al.....	30	Thos. H. White..	Nov. 15, 1878	Dec. 6, 1878	Dec. 16, 1878	Do.
138	Anchor lode.....	Bear Butte.....	do.....	George Asmus.....	30	H. C. Rohleder..	Nov. 19, 1878	Dec. 18, 1878	Jan. 21, 1879	Do.
139	Mormon Chief lode.	Whitewood....	do.....	Hugh McCaffrey, H. Susenbach et al.	30	do.....	Nov. 29, 1878	Dec. 18, 1878	Jan. 20, 1879	Do.
140	Clipper lode.....	do.....	do.....	Moses Pierce et al.....	30	do.....	Dec. 10, 1878	Dec. 26, 1878	Jan. 20, 1879	Do.
141	Goldfinch lode.....	do.....	do.....	Francis S. Bryant and Samuel Blodgett.	30	W. L. Smith....	Dec. 27, 1878	Jan. 13, 1879	Jan. 24, 1879	Do.
142	Skookum lode.....	Rochford.....	do.....	Samuel McMaster and H. C. Carnes.	30	A. H. Baldwin..	Jan. 15, 1879	Feb. 2, 1879	Feb. 12, 1879	Do.
143	Little Monitor.....	Whitewood....	do.....	William Gay et al.....	30	J. D. McIntyre..	Jan. 17, 1879	.....	.....	Plat and field notes not returned.
144	Mammoth lode.....	do.....	do.....	William Lardner and H. C. Harney.	30	W. L. Smith....	Jan. 21, 1879	Feb. 25, 1879	Apr. 28, 1879	Plats, &c., transmitted to land office.
145	Montezuma lode.....	Rochford.....	Pennington	Patrick Waters et al.....	30	H. C. Rohleder..	Jan. 23, 1879	Feb. 15, 1879	June 7, 1879	Do.
146	Placer claim.....	Whitewood....	Lawrence	J. S. Wallace, D. McLaughlin et al.	30	W. L. Smith....	Jan. 20, 1879	Mar. 11, 1879	Apr. 3, 1879	Do.
147	Palmetto lode.....	do.....	do.....	Giant and Old Abe Mining Company.	30	J. D. McIntyre..	Feb. 3, 1879	Aug. 18, 1879	.....	Plat and field notes not completed.
148	Ophir lode, Seg'd, northerly end.	do.....	do.....	Deadwood Mining Company.	30	do.....	Feb. 7, 1879	Mar. 3, 1879	Mar. 7, 1879	Plats, &c., transmitted to land office.
149	Golden Terry lode, Seg'd, northerly end.	do.....	do.....	do.....	30	do.....	Feb. 7, 1879	Mar. 5, 1879	Mar. 12, 1879	Do.
150	Silver Star lode.....	do.....	do.....	E. G. Dudley, J. W. Caldwell et al.	30	Wm. L. Smith..	Feb. 13, 1879	Mar. 11, 1879	Mar. 17, 1879	Do.

Number of survey.	Name of mine.	Where located.		Name of claimant.	Amount of deposit.	Name of surveyor.	Survey ordered.	Plats and field notes returned.	Survey approved.	Remarks.
		District.	County.							
151	Union lode.....	Whitewood...	Lawrence..	Amos T. Hall et al.....	\$30	H. C. Rohleder..	Mar. 15, 1879	Apr. 2, 1879	Apr. 18, 1879	Plats, &c., transmitted to land office.
152	Placer claim No. 16 above Dis'y.	do	do	Michael Earley	30	W. L. Smith	Mar. 26, 1879	Apr. 23, 1879	Apr. 28, 1879	Do.
153	Placer claims Nos. 4, 5, 6, and 7, above Dis'y.	Lost	do	C. Girdler and John Wolz-muth.	30	H. C. Rohleder..	Mar. 26, 1879	Apr. 16, 1879	May 13, 1879	Do.
154	Placer claim	Summit.....	do	Andrew Wallace and Rachel Wallace.	30	W. L. Smith	Apr. 1, 1879	Apr. 21, 1879	May 16, 1879	Do.
155	I. X. L. lode	Whitewood...	do	William Schmelsner et al ..	30	R. H. Kello	Apr. 1, 1879	Apr. 15, 1879	Apr. 25, 1879	Do.
156	Little Monitor lode ..	do	do	Aurora Gold Mining Company.	30	Wm. L. Smith ..	Apr. 1, 1879	May 18, 1879	May 26, 1879	Do.
157	Hoodie-Bug lode	do	do	Henry March et al.....	30	do	Apr. 2, 1879	Apr. 15, 1879	Apr. 28, 1879	Do.
158	Northern Pacific lode	Rochford	Pennington	Evan Evans et al	30	F. W. von Bodingen.	Apr. 7, 1879	May 1, 1879	June 14, 1879	Do.
159	Chief of the Hills lode.	do	do	Daniel Bogle and A. P. Reppert.	30	do	Apr. 7, 1879	May 1, 1879	July 26, 1879	Do.
160	Cheyenne lode	Whitewood...	Lawrence..	Deloss B. Carroll	30	W. L. Smith	Apr. 8, 1879	May 18, 1879	May 31, 1879	Do.
161	Placer claim	Bear Butte...	do	C. W. Carpenter et al	30	do	Apr. 17, 1879	May 30, 1879	July 3, 1879	Do.
162	Floorman lode	do	do	Robert Floorman	30	do	Apr. 17, 1879	.....	.....	Plat and field notes not returned.
163	Florence lode	do	do	do	30	do	Apr. 17, 1879	May 30, 1879	June 30, 1879	Plats, &c., transmitted to land office.
164	California lode	Rochford	Pennington	Daniel Hanley et al	30	F. W. von Bodingen.	Apr. 17, 1879	May 8, 1879	July 28, 1879	Do.
165	Placer claim No. 10 and Hill claim on south.	Lost	Lawrence..	Mathew H. Johnson	30	W. L. Smith....	Apr. 22, 1879	May 18, 1879	June 20, 1879	Do.
166	Placer claims Nos. 11, 12, 13, and 14.	Whitewood...	do	D. M. Kelly and L. H. Flanders.	30	do	Apr. 22, 1879	May 30, 1879	June 25, 1879	Do.
167	Mary Bell lode.....	Rochford	Pennington	Smith Willey et al	30	F. W. von Bodingen.	May 20, 1879	June 3, 1879	July 26, 1879	Do.
168	Caledonia lode	Whitewood...	Lawrence..	Caledonia Gold Mining Company.	30	H. C. Rohleder..	May 27, 1879	Aug. 13, 1879	.....	Not completed.
169	Queen of the Hills lode.	do	do	do	30	do	May 27, 1879	Aug. 19, 1879	.....	Do.
170	California No. 2 lode.	do	do	Jacob Wertheimer et al ..	30	J. D. McIntyre..	May 27, 1879	.....	.....	Plats and field notes not returned.
171	Golden Flasher lode..	do	do	Jacob Wertheimer and John H. Burns.	30	do	May 27, 1879	Aug. 25, 1879	.....	Plat and field notes not completed.
172	Barbara lode	do	do	Jacob Wertheimer et al ..	30	do	May 27, 1879	Aug. 19, 1879	.....	Do.
173	Green Monster lode ..	do	do	do	30	do	May 27, 1879	.....	.....	Not returned.

174	Sioux Chief lode....	....do .....	....do	Meyer Gollstein et al	30	... do	May 27, 1879	Aug. 2, 1879	Aug. 25, 1879	Plats, &c., transmitt-
175	Viola lode.....	....do .....	....do	C. H. McKinnis et al	30	W. L. Smith.....	May 30, 1879	July 7, 1879	Aug. 20, 1879	ed to land office.
176	Bessie lode.....	....do .....	....do	New York Mining Com- pany.	30	... do	May 31, 1879	July 7, 1879	.....	Do.
177	Justice No. 2 lode...	....do .....	....do	Samuel McMaster	30	J. D. McIntyre.	June 3, 1879	Aug. 2, 1879	Aug. 15, 1879	Plats, &c., transmit-
178	Mineral Point lode...	....do .....	....do .....	....do	30	... do	June 3, 1879	Aug. 2, 1879	Aug. 15, 1879	ed to land office.
179	Old Brig lode .....	....do .....	....do .....	....do	30	... do	June 3, 1879	Aug. 2, 1879	Aug. 12, 1879	Do.
180	Pierce lode	Gordon .....	....do	Thomas Bell	30	H. C. Rohleder	June 13, 1879	Aug. 19, 1879	.....	Not completed.

HENRY ESPERSEN,
United States Surveyor General.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Yankton, Dak.

E.—Report of the surveyor general of Florida.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
DISTRICT OF FLORIDA,
Tallahassee, Fla., October 21, 1879.

SIR: In compliance with instructions contained in your letter E of the 21st April, 1879, I have the honor to submit herewith, in duplicate, my annual report of surveying operations in this district during the fiscal year ending June 30, 1879, together with tabular statements of the field and office work, as follows:

- A.—Showing condition of contracts entered into since the last annual report.
- B.—Showing present condition of contracts not closed at date of last annual report.
- C.—Statement of township plats furnished the local land office.
- D.—Estimate of appropriations required for the next fiscal year.

The field notes of the survey of the lots lying along the Georgia and Florida boundary line, executed by John A. Henderson, under his contract of January 29, 1879, have been returned to the office, but the deputy has not as yet furnished all of the information called by his contract. Part of the office work is nearly completed and will be forwarded soon. The deputy seems to have performed the work well, and when the work shall have been returned this vexatious question will no doubt be satisfactorily settled.

The notes of the contract with John T. Lesley have been returned and will be sent soon. The land embraced in his contract, previously returned as impracticable, proves to be desirable and largely settled.

Have received no reports as to progress made by deputy G. H. Johnson on his contract of May 7, 1879.

The special agents engaged in examining the selections heretofore made by the State of Florida as swamp land, applied to this office for the necessary maps and data, which were furnished fully and satisfactorily. The prevailing wet weather has been for two months a serious impediment to the prosecution of work in the field.

Very respectfully, your obedient servant,

LE ROY D. BALL,
Surveyor General.

Hon. J. A. WILLIAMSON,
Commissioner General Land Office, Washington, D. C.

A.—Report of surveying operations in the district of Florida, showing contracts entered into during the fiscal year ending June 30, 1879.

Name of deputies.	No. of contract.	Date of contract.	Locality of work.	Time allowed.	When returned.	Remarks.
John A. Henderson	35	Jan. 29, 1879	The land lying between the boundaries known as the Orr and Whitner and the Watson lines.	July 1, 1879	June 25, 1879	Office work not completed.
John T. Lealey	36	Feb. 13, 1879	Subdivisions of township 26 south, range 20 east.	May 31, 1879	May 30, 1879	Do.
William F. Buckner	37	Feb. 16, 1879	N. E. $\frac{1}{4}$ section 15, township 17 south, range 29 east.	June 1, 1879 .....	.....	(See letter March 19, 1879.) Contract canceled by commissioner.
G. H. Johnson	38	May 7, 1879	Unsurveyed portion of township 39 south, range 23 east.	April 1, 1880 .....	.....	Not returned.

SURVEYOR GENERAL'S OFFICE,
Tallahassee, Fla., September 26, 1879.

LE ROY D. BALL, *Surveyor General.*

B.—Statement showing present condition of contracts not closed at date of last annual report.

Name of deputy.	Number of contract.	Date of contract.	Location of work.	Remarks.
Walter Gwynn ...	22	June 31, 1876	Island in Lake Jessup, township 20 south, range 31 east.	On account of special deposit work not yet forwarded.
Edward E. Ropes .	24	Dec. 11, 1876	Islands in Dentors Lake, township 16 south, range 29 east.	Not returned; the deputy being unable on account of high water in the lake to complete the survey.
Charles F. Smith..	27	June 22, 1877	Unsurveyed lands and islands on the Gulf coast.	Work forwarded June 24, 1879.

LE ROY D. BALL,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Tallahassee, Fla., September 26, 1879.

C.—List of township plats furnished the local land office.

Township.	Range.	Number of plats.	When furnished.	Remarks.
3 north	1 east.....	10	Oct. 11, 1878	Surveyed by John A. Henderson.
3 north	2 east.....			
3 north	3 east.....			
3 north	1 west.....			
3 north	2 west.....			
3 north	3 west.....			
4 north	3 west.....			
4 north	4 west.....			
4 north	5 west.....			
4 north	6 west.....			
3 north	4 east.....	3	Feb. 27, 1879	Do.
3 north	5 east.....			
3 north	6 east.....			
14 south	19 east.....	1	Mar. 3, 1879	Application of register.
Total		14		

LE ROY D. BALL,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Tallahassee, Fla., September 26, 1879.

D.—Estimates of appropriations required for the surveying service in the district of Florida for the fiscal year ending June 30, 1881.

Salary of surveyor general	\$2,000
Salary of chief clerk	1,600
Salary of draughtsman	1,400
Salary of transcribing clerk	1,200
Contingent expenses	1,000
Surveying the public lands	5,000
	12,200

LE ROY D. BALL,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Tallahassee, Fla., September 26, 1879.

F.—Report of the surveyor general of Idaho.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Boise City, Idaho, August 12, 1879.

SIR: In compliance with your instructions, I have the honor to submit my annual report, in duplicate, of this surveying district for the fiscal year ending June 30, 1879, together with the usual tabular statements relating thereto.

A.—Estimate of expenses incidental of the survey of public lands in Idaho for the year ending June 30, 1881.

B.—Statement of expenditure of appropriation for compensation of surveyor general and clerks in his office for the fiscal year ending June 30, 1879.

C.—Statement of incidental and office expenses for the fiscal year ending June 30, 1879.

D.—Statement of the expenditure of the appropriation for the fiscal year ending June 30, 1879.

E.—Statement showing the condition of contracts entered into since June 30, 1878.

F.—Statement of original maps and copies transmitted to the General Land Office and to the district office since my last report.

G.—Statement of descriptive lists sent to the local land office since my last report.

H.—Tabular list of townships surveyed since the date of my last report, showing the area of public lands.

I.—List of mining claims surveyed in the Territory of Idaho during the fiscal year ending June 30, 1879.

J.—Names, nativity, &c., of surveyor general, clerks, &c., in his office at Boise City, Idaho, during the fiscal year ending June 30, 1879.

The survey of the public lands in this district for the fiscal year just closed was greatly impeded, and finally completely stopped, by the Indian war with which this Territory has been afflicted. Deputy surveyors had to suspend operations in the field and fly to some place of safety, and in consequence I have been compelled to extend the time named for the completion of their contracts.

Contracts have been let to the amount appropriated for surveys for the fiscal year ending June 30, 1879, but no work has yet been returned, as the waters have been high and the deputies have had many disadvantages to contend with.

INSPECTION OF SURVEYS.

During the months of May and June, in accordance with the requirement of section 2223 United States Revised Statutes, I personally inspected a large portion of the work in the field then under contract, satisfying myself that the work had been correctly and faithfully executed in accordance with the law and instructions, report of which was transmitted to you on July 12, 1879.

ESTIMATES.

My estimates for the survey of public lands is what I consider actually necessary in this district. My estimate for my own salary is based upon that which was always paid until June 30, 1877, and which is little enough, in my opinion, for the service rendered and the cost of living in this Territory. My estimate for clerk hire is as low as the exigency of the office demands. The appropriation for clerk hire for the present fiscal year, like the last, will not pay a draughtsman for a whole year. I hope Congress will be generous enough to give this office an appropriation for clerk hire, so that a chief clerk and draughtsman can be retained the entire year.

AGRICULTURE.

There has been a decided increase in this important interest, particularly in the eastern part of the Territory, along the line of the Utah and Northern Railroad, and it only needs better facilities for transportation to largely develop this branch of industry.

MINING.

The rich and valuable mines in the districts of Yankee Fork, Atlanta, Banner, and Silver City have been worked to good advantage during the past year, and it only needs the opening of roads and cheaper transportation to largely increase the product of gold and silver. The recent sales of interest in some of these mines show that capital is being attracted to them. Many placer mines are being worked along Snake River, with fair results, by a new process of saving fine gold, which promises much for the future.

I am, sir, very respectfully, your obedient servant,

WILLIAM P. CHANDLER,
Surveyor General of Idaho.

Hon. J. A. WILLIAMSON,
Commissioner of General Land Office.

A.—*Estimate of expenses incidental of the survey of public lands in Idaho for the fiscal year ending June 30, 1881.*

OFFICE EXPENSES.

For salary of surveyor general	\$3,000 00
For salary of clerks	4,000 00
For rent of office, messenger, fuel, books, &c	2,000 00
	<u>\$9,000 00</u>

SURVEYING SERVICE.

For surveying the third standard parallel north 180 miles, at \$16 per mile	2,880 00
For surveying 120 miles exterior lines, mountainous and timber lands, at \$14 per mile	1,680 00
For surveying 480 miles subdivision lines, mountainous and timber lands, at \$10 per mile	4,800 00
For surveying 240 miles exterior lines, 20 townships, at \$7 per mile	1,680 00
For surveying 1,200 miles subdivision lines, 20 townships, at \$6 per mile	7,200 00
	<u>18,240 00</u>
	27 240 00

B.—*Statement of expenditure of appropriation for compensation of surveyor general and clerks in his office for the fiscal year ending June 30, 1879.*

DR.			CR.		
1878	To amount expended third quarter 1878	\$1,242 80	1878	By appropriation of June 19, 1878	\$5,000 00
	To amount expended fourth quarter 1878	1,300 00			
1879	To amount expended first quarter 1879	1,300 00			
	To amount expended second quarter 1879	1,154 83			
	To balance	2 28			
		<u>5,000 00</u>			<u>5,000 00</u>

C.—*Statement of incidental and office expenses for the fiscal year ending June 30, 1879.*

DR.			CR.		
1878	To amount expended third quarter 1878	\$482 26	1878	By appropriation of June 19, 1878	\$1,500 00
	To amount expended fourth quarter 1878	346 00			
1879	To amount expended first quarter 1879	326 75			
	To amount expended second quarter 1879	344 50			
	To balance	49			
		<u>1,500 00</u>			<u>1,500 00</u>

D.—Statement of the expenditure of the appropriation for the fiscal year ending June 30, 1879.

Dr.

Cr.

1878	To amount reported for payment on contract No. 74, to Allen M. Thompson	\$2,084 62	1878	By balance of appropriation of March 3, 1877	\$6,440 42
	To amount reported for payment on contract No. 73, to John B. David	2,188 96			
1879	To amount reported for payment on contract No. 74, to Allen M. Thompson	1,387 03			
	Balance unexpended, reverting to United States Treasury	779 81			
		<u>6,440 42</u>			<u>6,440 42</u>
1878					
1879	Estimated cost of contract No. 75.	3,500 00	1879	By appropriation of June 20, 1878.	12,000 00
	Estimated cost of contract No. 76.	5,000 00			
	Estimated cost of contract No. 77.	3,500 00			
		<u>12,000 00</u>			<u>12,000 00</u>

E.—Statement showing the condition of contracts entered into since June 30, 1878.

Number of contract.	Name of deputy.	Date of contract.	Character, amount, and locality of work.	Remarks.
75	Allen M. Thompson...	Sept. 12, 1878	Subdivision lines of townships No. 1, 2, and 3 south, of ranges No. 17, 18, and 19 east.	Deputy in the field.
76	John B. David	Jan. 22, 1879	First standard parallel north, through ranges No. 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43 east, and exterior boundaries of townships No. 1, 2, 3, and 4 north, range No. 36 east; township No. 5 north, ranges No. 36, 37, and 38 east; townships No. 4 and 5 north, range 41 east, and townships No. 3, 4, 5 and 6 south, range No. 33 east, and township No. 3 south, range No. 34 east, and subdivisions of townships No. 5 north, ranges No. 36, 37, and 38 east, and of townships No. 4 and 5 north, range No. 41 east, township No. 3 south, range No. 33 east; fractional township No. 4 south, range 33 east, and fractional townships No. 3 south, ranges No. 34, 35, and 36 east.	Deputy in the field; contract nearly completed.
77	John B. David	Mar. 1, 1879	Exterior boundaries and subdivisions of townships No. 24, 25, 26, 27, 28, and 29 north, ranges No. 1 and 2 east, and townships No. 30, 31, 32, and 33 north, range No. 5 east, and townships No. 30 north, ranges No. 1 east and 1 west, and townships No. 33 north, ranges No. 4 and 5 west, and the subdivisions of townships No. 30 north, ranges No. 3 and 4 east.	
78	L. F. Cartee and J. B. David.	May 1, 1879	Exterior boundaries and subdivisions of townships No. 6 and 7 north, ranges No. 37, 38, 39, 40, 41, and 42 east, and the first standard parallel north, through ranges No. 30, 29, 28, 27, 26, 25, 24, and 23 east.	

F.—Statement of original maps and copies transmitted to the General Land Office and to the district office since my last report.

Descriptive plats.	Original.	General Land Office.	District office.	Total.	When trans- mitted to the General Land Office.	When trans- mitted to the district office.
Exterior lines of townships No. 13, 14, 15, and 16 south, ranges No. 23, 24, and 25 east.....	1	1	-----	2	Aug. 5, 1878	-----
Township 13 south, range 25 east	1	1	1	3	Aug. 5, 1878	Aug. 5, 1878
Township 15 south, range 25 east	1	1	1	3	Aug. 5, 1878	Aug. 5, 1878
Township 16 south, range 25 east	1	1	1	3	Aug. 5, 1878	Aug. 5, 1878
Township 15 south, range 24 east	1	1	1	3	Aug. 5, 1878	Aug. 5, 1878
Township 16 south, range 24 east	1	1	1	3	Aug. 5, 1878	Aug. 5, 1878
Exterior lines of township No. 3 north, range No. 37 east, and township No. 4 north, ranges 37, 38, 39, and 40 east ..	1	1	-----	2	Oct. 19, 1878	-----
Township 3 north, range 37 east	1	1	1	3	Oct. 19, 1878	Oct. 19, 1878
Township 4 north, range 37 east	1	1	1	3	Oct. 19, 1878	Oct. 19, 1878
Township 4 north, range 38 east	1	1	1	3	Oct. 19, 1878	Oct. 19, 1878
Township 4 north, range 39 east	1	1	1	3	Oct. 19, 1878	Oct. 19, 1878
Township 4 north, range 40 east	1	1	1	3	Oct. 19, 1878	Oct. 19, 1878
Exterior lines of townships No. 1, 2, 3, 4, 5, and 6, ranges No. 17, 18, and 19 east.....	1	1	-----	2	June 30, 1879	-----

G.—*Statement of descriptive lists sent to the local land office since my last report.*

Township.	Range.	Date when transmitted.	Township.	Range.	Date when transmitted.
13 south.....	25 east.....	June 30, 1879	3 north.....	37 east.....	June 30, 1879
15 south.....	25 east.....	June 30, 1879	4 north.....	37 east.....	June 30, 1879
16 south.....	25 east.....	June 30, 1879	4 north.....	38 east.....	June 30, 1879
15 south.....	24 east.....	June 30, 1879	4 north.....	39 east.....	June 30, 1879
16 south.....	24 east.....	June 30, 1879	4 north.....	40 east.....	June 30, 1879

H.—*Tabular list of townships surveyed since the date of my last report showing the areas of the public lands.*

[illegible]

I.—List of mining claims surveyed in the Territory of Idaho during the fiscal year ending June 30, 1879.

Number of claim.	Claimants.	Name of claim.	Mining district.	County.	Township and range.	Acres.	Date of approval.	Remarks.
37	C. C. Clements, J. M. Moore, M. F. Clements, W. S. Norcross.	Soda Springs .....	.....	Oneida.....	Section 13 of township 9 south, range 42 east.	15. 49	Aug. 16, 1878	Sulphur.
38	C. C. Clements, J. M. Moore, M. F. Clements, W. S. Norcross.	Idaho .....	.....	....do	Sections 2 and 11 of township 9 south, range 4 east.	20. 66	Aug. 16, 1878	Do.

J.—Names, nativity, &c., of surveyor general, clerks, &c., in his office at Boise City, Idaho during the fiscal year ending June 30, 1879.

Name.	Occupation.	Nativity.	Whence appointed.	Time of service.	Amount.
La Fayette Cartee.....	Surveyor general	New York..	Idaho.....	Fifteen days..	\$101 80
William P. Chandler.....	do	New Hamp- shire.	Illinois....	Eleven months and 16 days.	2,898 10
Theophilus W. Randall....	Chief clerk	England....	Idaho.....	Entire year...	*1,500 00
Ross Cartee.....	Draughtsman....	Oregon.....	do	Fifteen days..	48 91
Nelson F. Kimball.....	do	New Hamp- shire.	do	Ten months and 2 days.	1,005 92
Thomas Convoey.....	Messenger	Ireland.....	do	Entire year...	600 00
					5,654 83

*\$57.11 of this amount paid out of special deposits for mineral claims.

G.—Report of the surveyor general of Louisiana.

OFFICE OF THE SURVEYOR GENERAL,
DISTRICT OF LOUISIANA,
New Orleans, La., August 28, 1879.

SIR: In pursuance of custom and instructions, I have now the honor to submit to you my report of the operations of this office for the fiscal year ending June 30, 1879, together with tabular statements of field and office work, to wit:

A.—Statement of surveying contracts on account of the appropriation for the fiscal year ending June 30, 1879.

B.—Estimate of funds for surveying service in Louisiana, for compensation of surveyor general, salary of his clerks, and for contingent expenses in his office for the year ending June 30, 1881.

FIELD WORK.

Under the allotment by the department of the sum of \$17,500 for field work in this district during the year ending 30th June, 1879, two contracts were let, the field operations under which have been confined to the pine-timber region of the southwestern portion of the State. Under them 27 townships have been resurveyed immediately in the heart of the region where timber is now being cut, and the late extensive entries of timber lands in that (the southwestern) district, lately made in the land office here, attest both the wisdom of these surveys in enabling purchasers to identify the lands and trace the lines, and the good policy and effectiveness of the measures of the bureau heretofore and now carried on in that part of the State for the suppression of depredations on the pine-bearing lands. Since the public sales were concluded here, about June 12, entries of pine lands have been made in that district by one person alone to an amount exceeding 5,000 acres.

The returns of all work embracing the 27 townships have been made to this office, have been duly examined and tested, most of the maps constructed therefrom in triplicate, transcripts of notes and accounts prepared, and forwarded to the department.

The deputies employed upon the two contracts let filed with their returns here reports of the condition in which they found the land covered by the homestead entries in their respective townships, lists of which had been furnished them in pursuance of your instructions to the local office here.

The report of Messrs. James L. Bradford and John Kap has been sent up with the final returns of their work, and is a neat and precise document, showing in a tabular form the condition of each tract and a description of the tract. Similar reports prepared by Deputy John P. Parsons have also been sent up.

These reports show a larger percentage of *bona fide* entries in that part of the State than I supposed existed, and it gives me pleasure to say so.

Under the apportionment by the department of \$14,000, out of \$300,000 appropriated, to enable me to carry on the surveys in Louisiana for the current fiscal year, I have let five contracts and contemplate letting one more, the principal work under which will be the continuation of the resurveys in the southwestern district, where they are most urgently needed. The contract contemplated, which will be the sixth under the allotment of the \$14,000, will be for the survey of two townships in the Wm. Conway portion of the Houmas grant. It is a subject of regret that the allotment was not sufficient to enable me to contract at one time for the survey of all three subdivisions of that grant, and there are several good reasons why the work should all be

done by one surveyor, whose capacity can be relied on and who has the means to meet and overcome the obstacles to be anticipated. Such a person should familiarize himself with the history of the title and the action of the department and courts upon it, the various surveys and resurveys made from time to time of different portions of the land heretofore assumed by the claimants as embraced within its limits, and should only take the field after supplying himself with copious transcript of maps and field notes of such surveys, abstracts of conflicting confirmations and those not in conflict, and generally all the information in this office upon the complicated subject. Some townships and fractional townships were surveyed within the claimed limits of the grant about the year 1830, and how far the lines of such surveys can now be found and connections and closures of new work made to them is a matter I am now not advised of. Whether, also, the lands to be surveyed shall be divided into the usual square sections under the rectangular system or be run off under the radiating lot system provided by the acts of March 3, 1811, and May 24, 1824, is another question I cannot now determine. And a determination of them must enter materially into any calculation of the cost of survey. An estimate was made by one of the deputies of this office that shows that, leaving these questions out of view, it could not take less than \$10,000 nor more than \$15,000 to do the entire work at the augmented rates allowed for Louisiana surveys in the swamp and wooded regions.

Your letter of instructions to me of July 8, 1879, Division E, sending a copy of the Secretary's order of 21st June, 1879, to the effect that his decision of May 4, 1878, should be carried into effect by the survey of the Wm. Conway portion of the Houmas grant, came too late to enable me to do more under the present allotment than I have stated would be done. It is to be regretted that the whole of each subdivision of the grant cannot be at once surveyed and finally disposed of. My information shows that hundreds of new settlers have of late gone upon the lands with a view of acquiring homes, under the homestead, pre-emption, and other laws of the United States, but find themselves without the means of acquiring title or of identifying the lands. Large numbers of other people have lived upon and cultivated lands originally entered prior to 1814 under the pre-emption act of 1830 and amendments. Such persons have reared families who have grown up and settled around the lands of their parents. Some have considerable and valuable improvements, raise crops of sugar-cane, rice, and other crops of this climate and soil. It would seem important that titles to lands so long occupied and improved should be set at rest, and that in behalf of the new settlers, who have settled mainly under recent decisions of the department, a mode should be provided by which they may realize their humble expectations.

By the decision of the bureau dated June 22, 1877, modified and affirmed by the department on May 4, 1878, this office was informed that the patents issued 22d August, 1844, on the Donalson & Scott and Daniel Clark portions of the claim, had been canceled and annulled, as issued in violation of law, by a decree of the United States circuit court for Louisiana, on 2d December, 1856, in a chancery proceeding instituted for that purpose by direction of the Attorney-General. The copy of the order of the honorable Secretary of the Interior, however, of June 21, 1879, transmitted to me by your letter of July 8, 1879, Division E, seems to treat these patents as yet outstanding, and as imposing a bar to the survey by me of the portions covered by them. I invite your attention to the subject, as it may be material in appropriating or allotting funds for future surveys in that claim.

OFFICE WORK.

But little has been done in issuing certificates of location under the act of June 2, 1858, section 3, to satisfy the confirmed and unlocated private land claims in Louisiana.

During the fiscal year ending 30th June last, eleven claims have been issued upon, and the certificates transmitted to the bureau for approval. These cases, added to the number previously issued upon, makes the total number issued on by this office to the close of the last fiscal year 432. When the act of 1858 became a law, there were 1,524 of those unsatisfied claims in the State (see Commissioner's report for 1871, p. 90, also for 1875, p. 179). Consequently, there remain 1,092 claims still not issued upon. The examination of these claims when filed here and the preparation of certificates, recording same, and transmitting them to the bureau, with copies of all evidence filed before me, has been a work which at times has taxed my clerical force to their utmost.

I am glad to be able to state that some progress has been made in bringing up the arrears of office work under the heads so often referred to in previous reports.

Transcripts of field notes for 24 townships, all in the former Greensburg district, have been made and sent to the bureau. This reduces the number of townships the notes of which are to be transcribed to 760, still a large number.

In the preparation of patent plats in duplicate small progress has been made; only 16 claims having received them, making 32 plats, some of them involving a great

deal of work and time. There are still about 6,000 claims which cannot be patented until such patent plats are prepared and forwarded. Some miscellaneous work has been done in preparing instructions and transcripts of maps, field notes, confirmations, &c., for deputies and other surveyors operating in the field; in affording information by correspondence to individuals, State and parish officers, &c.; in preparing copies of maps and other records for those applying for them; making out, recording and forwarding accounts of surveyors and clerks; and generally in keeping up, so far as possible, the current business of the office. During the present year I hope to be able to compile and send up lists of swamp-land selections, based upon all the resurveys made in the State since the war, my force not having yet more than enabled me to commence this work.

Nothing has been done in the original survey of the wide strip of country bordering the sea or gulf, and extending from the Sabine River eastward to the Vermillion Bay. This work and the survey of the Honnas grant must await future appropriations.

I have the honor to be, very respectfully, your obedient servant,

O. H. BREWSTER,
Surveyor General, Louisiana.

A.—Statement of surveying contracts entered into by the surveyor general of Louisiana on account of the appropriation of \$17,500 for the fiscal year ending June 30, 1879.

No.	Date of contract.	Name of deputy surveyor.	Locality of work.	District.	Estimated liability.	Amount paid.	Remarks.
1	July 26, 1878	John P. Parsons	Township 7 south, ranges 12 and 13 west; township 8 south, ranges 12 and 13 west; township 9 south, ranges 10, 11, and 12 west; township 10 south, range 10 west; township 11 south, ranges 11 and 12 west.	Southwestern...	\$6 000 00	\$4, 980 05	Surveys completed (except in township 11 south, ranges 11 and 12 west), notes approved, plats and transcript transmitted.
2	Aug. 1, 1878	John Kap and James L. Bradford,	Township 1 south, ranges 7, 8, and 9 west; townships 2 and 3 south, ranges 7, 8, and 9 west; township 6 south, range 10 west; township 7 south, ranges 8, 9, and 10 west.	....do	10, 000 00	10, 648 17	By letter from the honorable Commissioner of the General Land Office, dated March 1, 1879, permission was granted to Bradford and Kap, deputy surveyors, to substitute townships 1, 2, 3, and 4 south, range 10 west, and township 4 south, ranges 8 and 9 west, for township 1 south, range 1 west, townships 2 and 3 south, ranges 3 and 4 west, and township 4 south, range 4 west, now embraced in their contract No. 2, of August 1, 1878. Survey completed, notes approved, plats and transcript transmitted.
Amount balance of apportionment not reported for payment at the closing of this report.....					16, 000 00	15, 628 22	
Amount retained to meet any unforeseen excess of contracts.....					1, 500 00	1, 871 78	
Total of apportionment under act of Congress approved June 20, 1878.....					17, 500 00	17, 500 00	
Excess on contract No. 1					\$415 44		
Excess on contract No. 2					5, 446 22		
Total.....					5, 861 66		

B.—*Estimate of the funds to be appropriated for the fiscal year ending June 30, 1881, for surveying in Louisiana, for compensation of surveyor general and his clerks, and contingent expenses in his office.*

Proposed surveys and resurveys:

\$17,400 is estimated for completing the resurveys of the public lands in the southwestern district, where, on account of the great lapse of time since the original surveys were made, or are supposed to have been made, viz, 1807, the old lines and corners are generally totally obliterated in the field, and the disposition of land prevented by the inability of settlers and others to describe the land desired to be entered. The number of townships falling under this head in that district is 22, and their resurvey is believed to be necessary to enable the officers of the government to check the destruction of timber now going on so extensively, by enabling them to identify the lands despoiled, and thus pave the way to the punishment of the offenders. This estimate is based on the rate of \$12 per mile for township lines and \$10 for section lines, for less than which sums able and faithful surveyors cannot be obtained for Louisiana surveying	\$17,400 00
\$7,850 is estimated for the much needed resurvey of a few townships in the southeastern district on the Mississippi River above New Orleans, and as far up as Donaldsonville, and for the location of private land claims on the same and on the Bayou La Fourche	7,850 00
\$14,000 is estimated, at rates as above stated, for the original townships and sectional surveys in the southwestern district of the strip of country situated on the Gulf coast and south of the limit of the old surveys of 1807 and 1830. The township lines should be extended across this region to the Gulf, and the lands found valuable on the ridges, bayous, and lakes within it should be surveyed under the radiating lot system. These surveys are demanded by the wants of large numbers of settlers cultivating much of this land, and by the general interest of the government and the State of Louisiana	14,000 00
\$1,800 is estimated to finish the original survey of the public lands, on the southeast pass of the Mississippi and on the Bayou Balize, contracted for by Deputy J. L. Bradford, in his contract No. 7, of April 8, 1875, but work not executed then for lack of funds	1,800 00
\$6,000 is estimated as necessary to survey originally, islands in the several districts, to traverse a part of the Sabine River, and connect the township and section lines therein, to locate private claims in the several districts, and to finish the survey of the rich and heavily settled townships 4 south, ranges 1 and 2 east, southwestern district, contracted to be surveyed by Deputy J. L. Bradford, in his contract No. 3, of July 26, 1875, but left unfinished by reason of insufficiency of existing appropriation	6,000 00
\$15,000 is thus estimated to complete the township and subdivisional surveys, and make partial resurveys, meanders of bayous, lakes, and rivers, necessary to bring into market and finally adjust the rich lands covered by the Hommas grants in the southeast district. These grants cover about 200,000 acres of the richest sugar and rice lands in the State, and the honorable Secretary of the Interior having by his decision of May 4, 1878, declared the grants null and void, so far as they affect lands within their limits back of 42 arpents from the Mississippi River, and having directed this office to extend the public surveys over them, it remains only for the necessary funds to be appropriated when the decision will be enforced, and thus this long pending controversy be put an end to. Every interest, both public and private, requires that the lands should be surveyed and placed in market in order that the large numbers of settlers upon them may in some mode, consistent with law, acquire titles to their homes and improvements	15,000 00
	<hr/> \$62,050 00

Salaries.

Surveyor general.....	\$2,000 00	\$2,000 00
One chief clerk.....	1,800 00	
One clerk and draughtsman.....	1,800 00	
One assistant draughtsman.....	1,200 00	
		4,800 00
Fourteen clerks for office work in arrear, to prepare plats and field notes, at \$1,000 each.....	14,000 00	14,000 00

Contingent expenses.

Stationery, binding, messenger hire, and all other incidental expenses.....	2,000 00	2,000 00
Total estimate of appropriation required.....		84,850 00

O. H. BREWSTER,
Surveyor General, Louisiana.

OFFICE OF SURVEYOR GENERAL, DISTRICT OF LOUISIANA,
New Orleans, August 28, 1879.

II.—*Report of the surveyor general of Minnesota.*

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Saint Paul, Minn., August 29, 1879.

SIR: In accordance with your instructions dated April 21, 1879, I have the honor to submit herewith in duplicate my annual report, showing the progress of the public surveys in this district for the fiscal year ending June 30, 1879.

All the surveys under contract at the date of last annual report have been completed, examined, and approved, the plats and transcripts of field notes transmitted to the General Land Office, and plats and descriptive sheets furnished the local land offices.

A contract was entered into May 23, 1879, with George F. Hamilton to survey eight fractional townships adjoining west of the Red Lake Indian Reservation, which is estimated to cover the balance of the appropriation assigned to Minnesota for the fiscal year ending June 30, 1879. Mr. Hamilton is now in the field, but I learn has nearly completed his work. He has forwarded to this office the field notes of three townships, and the plats and transcripts of the field notes are now being prepared and will be forwarded at an early day.

Owing to the small appropriation for salaries of clerks in this office it has been impossible to gain much on the work in arrears. The record transcripts of forty-one townships have been prepared and bound. A large amount of miscellaneous work has also been performed of which no detailed statement can be given.

The several statements and estimates accompanying this report will exhibit generally the progress and present condition of the field and office work to this date, and are as follows:

A.—Statement of contracts entered into on account of the \$15,000 assigned to Minnesota for the fiscal year ending June 30, 1879, from the appropriation of \$300,000, act of June 20, 1878.

B.—Statement of contracts entered into on account of the \$20,000 assigned to Minnesota for the fiscal year ending June 30, 1880, from the appropriation of \$300,000, act of March 3, 1879.

C.—Statement of original, commissioner's, and register plats made, and date of transmission to the General and local land offices.

D.—Statement of townships surveyed in Minnesota since last annual report, showing area and number of miles including meanders in each; also number of miles of township lines and total number of acres surveyed in the State.

E.—Estimates of appropriations required for continuing the public surveys in Minnesota for the fiscal year ending June 30, 1881.

F.—Statement of the amount of salaries paid surveyor general and clerks for the fiscal year ending June 30, 1879.

G.—Statement of amount paid for incidental expenses of the office for the fiscal year ending June 30, 1879.

H.—Statement showing condition of appropriation for surveys of public land in Minnesota for the fiscal year ending June 30, 1879.

I desire in this place to call your attention to my estimate for the surveying service in this district for the fiscal year ending June 30, 1881, forwarded to you July 11, 1879, and to give some further reasons showing the importance of the proposed surveys being made at an early day. The surveys contemplated in the estimate are the extension of the meridian and correction lines over the country lying north of the present surveyed portion of the State, and as far west as the third guide meridian forming the eastern boundary of range 25 west of the fifth principal meridian, and the survey of the townships lying contiguous to the Rainy Lake and Rainy Lake River, and also such pine lands lying on or near the streams flowing north into said lake and river as the best interests of the country may require. This country, which has heretofore been almost inaccessible from want of communication with other parts of the country, is now being made easily accessible by improvements which are being prosecuted by the Canadian Government.

The Canadian Pacific Railroad will soon be completed from Winnipeg to Rat Portage, at the outlet of the Lake of the Woods. Good and uninterrupted steamboat navigation exists from Rat Portage to Fort Saint Francis, at or near the outlet of Rainy Lake, over which the products of a large section of country contiguous to Rainy Lake will find access to a ready market. As a result of these improvements the lands on the Canadian side of Rainy Lake River, extending from Rainy Lake to the Lake of the Woods, which have for several years been surveyed by the Canadian Government, are now being rapidly taken and occupied by settlers. All accounts agree that there is a much broader belt of good agricultural lands, and more desirable for settlement, extending along the southern shore of Rainy Lake, and on this side of Rainy Lake River, than there is on the Canadian side of the line; and from the frequent inquiries which have been made to this office concerning these lands from persons desirous of settling upon them, I am satisfied that if surveyed they would soon be occupied by actual and permanent settlers. All reports also agree that large tracts of valuable timber, consisting of pine and hardwood, exist on the large streams flowing north to the international boundary. More or less depredations are annually being committed upon these timbered lands by persons settled along the boundary, which, from the unsettled state of the country and its great distance from the settled portions of our own State, it is very difficult if not impossible to prevent. The survey of this region of country, thus opening it for settlement, will remove in a great degree the difficulty of preventing depredations on the government lands, while at the same time the timbered lands, which are now being annually despoiled of their value or wasted by fires, would be sold and the government receive the value thereof.

In this connection, I would suggest that Congress be requested to modify the laws for the disposal of the timber lands in this State, so that they may be appraised immediately after survey, and offered for sale for cash at their valuation or under such restrictions and regulations as may be deemed proper. A large proportion of the pine lands are of no value except for their timber, and therefore should not be left subject to entry only under the pre-emption and homestead laws, as it is hardly possible that the requirements of those laws can be complied with in the entry of them. The result of the present system of disposing of these lands, it is believed, has been that many of the entries made under the pre-emption and homestead laws of the pine lands, have been made by false statements, no valid settlement having been made; and the difficulty of complying with these laws has led to the location of the most valuable tracts of pine lands with scrip, much of which, as is well known, is fraudulent. The difficulty of obtaining title to the pine lands, under the pre-emption and homestead laws or by scrip locations, leaves a large class of these lands unentered and exposed to the depredations of trespassers or to the still greater ravages of the fires which frequently sweep over the country; whereas, if they could be entered with cash at a fair valuation, it is believed they would be speedily taken, and thus relieve the government of the great expense attending the detection and prosecution of trespassers.

All of which is respectfully submitted.

J. H. STEWART,
Surveyor General.

HON. J. A. WILLIAMSON,
Commissioner General Land Office, Washington, D. C.

A.—Statement of contracts entered into by the surveyor general of Minnesota, on account of the \$15,000 assigned to Minnesota for the fiscal year ending June 30, 1879. Appropriation of \$300,000, act of June 20, 1878.

Name of deputy.	Date of contract.	Description of work.	Estimated liability.	Amount paid.	Condition of work.	Remarks.
H. S. and F. D. Howe...	July 25, 1878	Township lines between townships 57 and 58 north, in ranges 15 and 16 west; between townships 58 and 59 north, in ranges 15, 16, 17, and 18 west; between townships 59 and 60 north, in ranges 15, 16, and 17 west. Range lines between ranges 14 and 15 west, in townships 57 and 58 north; between ranges 15 and 16 west, in townships 57, 58, and 59 north; between ranges 16 and 17, 17 and 18 west, in townships 58 and 59 north; between ranges 18 and 19 west, in township 58 north. Subdivision of townships 57, 58, and 59 north, in ranges 15 and 16 west; townships 58 and 59 north, in range 17 west; township 58 north, in range 18 west; fourth principal meridian.	\$5,750 00	\$5,857 68	Survey completed and approved; plats and field notes transmitted.	Township 59 north, range 17 west, and township 58 north, range 18 west, and the north and west exterior boundaries thereof were not surveyed; townships 57 and 58 north, in range 14 west, and the township line between the same, and the east exterior boundaries thereof, being substituted therefor by special instructions dated August 20, 1878.
Stuntz and Hamilton ..	Aug. 7, 1878	Subdivision of township 67 north, in range 4 west; township 66 north, in range 6 west; township 65 north, in range 7 west; fourth principal meridian.	1,350 00	1,328 17	Survey completed and approved; plats and field notes transmitted.	Subdivision of township 148, range 29, and township 149, range 28, and north and west exterior boundary of township 149, range 28, canceled by approval of contract with George F. Hamilton dated May 23, 1879.
George F. Hamilton....	Sept. 11, 1878	Township lines between townships 141 and 142, and 142 and 143 north, in range 35 west; between townships 143 and 144 north, in ranges 34 and 35 west; between townships 149 and 150 north, in range 28 west. Range lines between ranges 34 and 35 west, in townships 143 and 144 north; between ranges 28 and 29, in township 149 north, fifth principal meridian. Subdivision of township 141 north, in range 36 west; townships 141, 142, 143, and 144 north, in range 35 west; townships 143 and 144 north, in range 34 west; township 148 north, in range 29 west; township 149 north, in range 28 west; fifth principal meridian.	5,750 00	4,253 44	Survey completed and approved; plats and field notes transmitted.	
George F. Hamilton....	May 23, 1879	Township lines between townships 150 and 151 north, range 40 west; between townships 151 and 152, range 41 west; between townships 153 and 154, and 154 and 155 north, range 43 west; between townships 155 and 156 north, range 42 west; all of the above to be run east to line of Red Lake Indian reservation. Township line between townships 157 and 158 north, range 42 west. Also the 14th standard parallel from range line between ranges 42 and 43 east, to said reservation boundary line. Range lines between ranges 40 and 41 west, township 151 north; between ranges 41 and 42 west, townships 152 and 157 north; between ranges 42 and 43 west, townships 153 and 155 north, to said reservation line. Subdivision of the following fractional townships, or that part thereof not included in the Red Lake Indian reservation, viz, township 150 north, range 40 west; township 151 north, range 41 west; townships 152, 156, and 157 north, range 42 west; townships 153, 154, and 155 north, range 43 west; fifth principal meridian.	3,500 00	.....	Deputy now in the field.	

B.—Statement of contracts entered into by the surveyor-general of Minnesota, on account of the \$20,000 assigned to Minnesota for the fiscal year ending June 30, 1880. Appropriation of \$300,000, act of March 3, 1879.

Name of deputy.	Date of contract.	Description of work.	Estimated liability.	Amount paid.	Condition of work.	Remarks.
Davis and Lund.....	May 29, 1879	Township lines between townships 62 and 63 north, range 1 east; between townships 63 and 64 north, range 4 east, to boundary of Pigeon River, Indian reservation. Range lines between ranges 3 and 4 east, township 63 north, and between ranges 4 and 5 east, township 63 north, to said reservation line. Sub-division of townships 62 and 63 north, range 1 east; township 63 north, in ranges 2 and 3 east; townships 62, 63, and 64, range 4 east, and fractional township 63, range 5 east, being that part of the same not embraced in said reservation; all east of the fourth principal meridian.	\$4,500 00	.....	Deputies now in the field.	

SURVEYOR GENERAL'S OFFICE,
Saint Paul, Minn., August 29, 1879.

J. H. STEWART,
Surveyor General.

C.—Statement of original, Commissioner's and register's plats made, and date of transmission to the General and local land offices, since the date of last annual report.

Township.	Range.	Land district.	Original.	Commissioner's.	Date of transmission.	Register's.	Date of transmission.	Total.
<i>West of the fourth principal meridian.</i>								
67	4	Duluth	1	1	Feb. 28, 1879	1	.....	3
66	6	do	1	1	Feb. 28, 1879	1	.....	3
65	7	do	1	1	Feb. 28, 1879	1	.....	3
57	14	do	1	1	Feb. 12, 1879	1	Aug. 7, 1879	3
58	14	do	1	1	Feb. 12, 1879	1	Aug. 7, 1879	3
57	15	do	1	1	Jan. 18, 1879	1	Aug. 7, 1879	3
58	15	do	1	1	Feb. 12, 1879	1	Aug. 7, 1879	3
59	15	do	1	1	Apr. 12, 1879	1	Aug. 7, 1879	3
57	16	do	1	1	Jan. 18, 1879	1	Aug. 7, 1879	3
58	16	do	1	1	Apr. 2, 1879	1	Aug. 7, 1879	3
59	16	do	1	1	Apr. 12, 1879	1	Aug. 7, 1879	3
58	17	do	1	1	Apr. 2, 1879	1	Aug. 7, 1879	3
<i>West of the fifth principal meridian.</i>								
143	34	Saint Cloud	1	1	Apr. 16, 1879	1	Aug. 19, 1879	3
144	34	do	1	1	May 14, 1879	1	Aug. 19, 1879	3
141	35	do	1	1	Apr. 16, 1879	1	Aug. 19, 1879	3
142	35	do	1	1	May 14, 1879	1	Aug. 18, 1879	3
143	35	do	1	1	Apr. 16, 1879	1	Aug. 19, 1879	3
144	35	do	1	1	May 14, 1879	1	Aug. 19, 1879	3
141	36	Crookston	1	1	Mar. 21, 1879	1	Aug. 19, 1879	3
Total			19	19		19		57

J. H. STEWART,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Saint Paul, Minn., August 29, 1879.

D.—Statement of townships surveyed in Minnesota since last annual report, showing areas and number of miles surveyed, including meanders in each.

WEST OF THE FOURTH PRINCIPAL MERIDIAN.

Number.	Township.	Range.	Area.	Miles surveyed.
				<i>Miles. chs. lks.</i>
1.....	67	4	473. 10	16 02 32
2.....	66	6	4, 250. 20	39 36 87
3.....	65	7	6, 093. 00	74 46 44
4.....	57	14	23, 072. 92	00 04 53
5.....	58	14	22, 368. 91	65 79 52
6.....	57	15	22, 812. 44	62 57 90
7.....	58	15	22, 678. 36	67 66 54
8.....	59	15	22, 096. 83	69 65 45
9.....	57	16	22, 744. 52	65 63 69
10.....	58	16	21, 866. 08	80 33 90
11.....	59	16	22, 909. 30	62 33 87
12.....	58	17	22, 915. 06	62 08 05

D.—Statement of townships surveyed in Minnesota, &c.—Continued.

WEST OF FIFTH PRINCIPAL MERIDIAN.

Number.	Township.	Range.	Area.	Miles surveyed.		
				<i>Miles.</i>	<i>chs.</i>	<i>lbs.</i>
13	143	34	21,652.68	68	13	93
14	144	34	21,887.05	62	24	57
15	141	35	20,137.03	77	35	22
16	142	35	21,874.81	71	34	95
17	143	35	21,971.10	87	01	82
18	144	35	21,241.29	65	13	76
19	141	36	21,972.48	75	74	48
Total				1,214	57	81
Township lines				143	20	04
Grand total			364,516.75	1,357	77	85

RECAPITULATION.

Number of acres surveyed since last report	364,516.75
Number of acres previously reported	39,689,123.08
Total number of acres surveyed to date	40,053,639.83

J. H. STEWART,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Saint Paul, Minn., August 29, 1879.

E.—Estimates of appropriations required for continuing the public surveys in Minnesota for the fiscal year ending June 30, 1881.

For field work.

For meridian and standard lines, 250 miles, at \$16 per mile	\$1,000 00
For township lines, 600 miles, at \$14 per mile	8,400 00
For subdividing 50 townships, estimated 3,750 miles, at \$10 per mile	37,500 00
Total for field work	49,900 00

Salaries.

For salary of surveyor general	\$2,000 00
For salary of chief clerk	1,500 00
For salary of three draughtsmen	3,600 00
For salary of three transcribing clerks	3,400 00
Total for salaries	10,500 00

Incidentals.

For pay of messenger, books, printing, binding, stationery, and other necessary expenses	\$1,500 00
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J. H. STEWART,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Saint Paul, Minn., August 29, 1879.

F.—Statement showing the amount of salaries paid surveyor general and clerks for the fiscal year ending June 30, 1879.

DR.			CR.		
Date.		Amount.	Date.		Amount.
1878.			1878.		
Sept. 30	To salaries first quarter	\$1,835 00	June 19	By appropriation.....	\$7,000 00
Dec. 31	To salaries second quarter ..	1,811 30			
1879.					
Mar. 31	To salaries third quarter	1,910 00			
June 30	To salaries fourth quarter ...	1,443 21			
	To balance.....	49			
		7,000 00			7,000 00

J. H. STEWART,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Saint Paul, Minn., August 29, 1879.

G.—Statement of the amount paid for the incidental expenses of the office for the fiscal year ending June 30, 1879.

DR.			CR.		
Date.		Amount.	Date.		Amount.
1878.			1878.		
Sept. 30	For the first quarter.....	\$264 65	June 30	By appropriation.....	1,500 00
Dec. 31	For the second quarter	226 68			
1879.					
Mar. 31	For the third quarter.....	291 05			
June 30	For the fourth quarter	378 20			
	To balance	339 42			
		1,500 00			1,500 00

J. H. STEWART,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Saint Paul, Minn., August 29, 1879.

H.—Statement showing condition of appropriation for surveys of public land in Minnesota for the fiscal year ending June 30, 1879.

DR.			CR.		
Date.		Amount.	Date.		Amount.
1878.			1878.		
Dec. 24	To H. S. & F. D. Howe.....	\$1,080 32	June 20	By appropriation. Amount assigned to Minnesota, July 15, 1878.	\$15,000 00
1879.					
Jan. 18	.....do.....	1,028 16			
Feb. 12	.....do.....	1,551 06			
Feb. 28	To Stuntz & Hamilton.....	1,328 17			
Mar. 21	To George F. Hamilton.....	959 63			
Apr. 2	To H. S. & F. D. Howe.....	1,140 20			
Apr. 12	.....do.....	1,057 96			
Apr. 16	To George F. Hamilton	1,701 10			
May 14	.....do.....	1,592 71			
	To balance to be applied on contract of George F. Hamilton, dated May 23, 1879....	3,560 69			
		15,000 00			15,000 00

J. H. STEWART,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Saint Paul, Minn., August 29, 1879.

I.—Report of the surveyor general of Montana.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Helena, Mont., September 24, 1879.

SIR: In compliance with instructions in your letter E, dated April 21, 1879, I have the honor to submit herewith my annual report of the surveying operations in this district, with accompanying statements, for the fiscal year ending June 30, 1879.

SURVEYS.

The following base, standard, and meridian lines have been established during the fiscal year, viz:

The base line through a portion of range No. 26 east.

The second standard parallel north through a portion of range No. 47 east, and through range No. 5 west.

The third standard parallel north through ranges Nos. 6 and 7 west.

The fifth standard parallel north through ranges Nos. 8 and 9 east.

The Coulson guide meridian through townships Nos. 1, 2, 3, and 4 north, between ranges Nos. 25 and 26 east.

The Little Porcupine guide meridian through townships Nos. 8, 7, and 6 north, between ranges Nos. 40 and 41 east.

The Tongue River guide meridian through townships Nos. 8 and 7 north, between ranges Nos. 47 and 48 east.

The townships subdivided during the fiscal year are those along the valley of the Yellowstone River, in what is known as Clarke's Fork Bottom, and in the vicinity of Miles City; some timber-lands adjacent to Deer Lodge Valley; a fractional township—No. 20 north, range No. 3 west—bordering on the Fort Shaw military reservation, and portions of four townships in the vicinity of Fort Benton, comprising a total area of 521,311.99 acres.

In addition to this, the exterior boundaries of fifteen townships, consisting of coal lands along the valley of the Yellowstone River, and mineral lands in the vicinity of Helena, have been run.

The total cost of surveys, including the base, standard, and meridian lines, and exterior boundaries of townships, was \$15,652.80; the expense of inspecting surveys, \$941.95; and office expenses, including salaries, \$7,219.13. Debiting the land subdivided with the entire expense, the cost will be about as follows: Field work, 3 cents per acre; inspecting same, two-tenths of one cent per acre; office-work on same, one and four-tenths cents per acre; and the total expense to the government, four and six-tenths cents per acre.

As shown above, the total expenditures for surveys in this district for the fiscal year amounted to \$23,853.86. The registers and receivers of the Helena and Bozeman land districts inform me that, during the same period, the *net* cash receipts for entry and sale of lands in Montana amounted to \$22,491.18, thus making the actual outlay of the government for surveys, over and above the net receipts for sales of land, \$1,362.68.

I respectfully invite your attention to that portion of my last annual report relative to surveys, and state that another year's experience in office and field has confirmed the views therein expressed. At the risk of repetition, I refer briefly to the more important recommendations contained therein, and most earnestly hope that the necessary legislation may be had to carry same into effect.

The prices allowed for field work are entirely too low to afford an adequate compensation to the deputy surveyor for the thorough and faithful performance of his duties. If the surveyor could proceed to the locus of his contract and execute the same without delay or hinderance the rates allowed—with the exception of those for meander lines, to which I refer hereafter—would ensure him a fair profit, but in this surveying district this cannot be done. Aside from the personal risk he runs, which should certainly be considered in determining his compensation, and the ordinary hinderances from bad weather, he is subject to constant delays from having his horses stolen by the Indians, his men leaving him through fear of Indians, &c. Deputy Surveyors de Lacy and McFarland have both suffered great losses from these causes during the past and present seasons. It may be said that surveys should not be made in dangerous localities, but there is no portion of this Territory outside the settlements where there is not danger from Indian raids, and even if there were such, this would be a superficial view of the subject.

The policy of the government is to encourage settlement upon the public lands, and it cannot afford to have large bodies of valuable land, in addition to the immense tracts composing their reservations, remain unimproved through fear of Indians. Besides this, there are many settlers now upon the lands in question, more are constantly

coming in, and the public surveys should be extended to enable them to enter and acquire title to their homes. In my judgment, the rates for surveys should be increased to \$12 per linear mile for standard and meander lines, \$10 for township, and \$8 for section lines. The rates through lands heavily timbered, mountainous, or covered with dense undergrowth, *i. e.* \$16 for standard, \$14 for township, and \$10 for section lines, are sufficient, except that the same rate should be allowed for meander as for standard lines, for the reason that they require more time and are more difficult to run than any of the others.

The regulations requiring the survey of all lines to be discontinued at the points of their intersection with Indian or military reservations should be modified, and base, standard, and meridian lines should be run over such reservations, in order to secure a more perfect uniformity in the public surveys.

The exterior boundaries of townships should be run over the whole country, and the deputy, in returning such surveys, should furnish as full and minute descriptions of the land as possible, stating the character of the same, whether agricultural, pastoral, mineral, or timber. The value of the topographical knowledge alone thus acquired would more than equal the cost of such surveys, and the department and the surveyor general could then determine accurately the townships to be subdivided.

Mineral timber lands should be subdivided, so that the owners of mines and mills could have the opportunity to purchase same. Such lands now yield nothing to the government except the small amounts paid for the areas of mining claims contained therein.

Pastoral lands should be subdivided and sold in large bodies at reduced rates. There are very large tracts of such lands in this Territory which, in all human probability, can never be used for agricultural purposes, but which are now, and always will be, suitable for grazing. In view of the trifling cost per acre of surveys, it seems to me that it would be a wise policy for the government to have such lands surveyed and sold at 50, or even 25, cents per acre. Parties engaged in stock raising who now occupy such ranges, and their number is constantly increasing, would, for self-protection if for no other reasons, readily purchase same at the rates named, and the revenue thus obtained would form no inconsiderable portion of that derived from the sale of public lands. It may be argued that this would create a "landed aristocracy," which is contrary to the policy of the government, but the main objection to the ownership of large tracts of land by a few individuals is that they are left unimproved, and the increase of wealth to the nation at large which would result from their cultivation is lost. As these lands cannot be cultivated, this argument fails, and I see no reason why the government should not derive a revenue from the sale of such lands, and at the same time afford an opportunity to stock men to acquire title to the ranges now used by them.

Deputy surveyors, in their field notes of surveys, describe the soil as first, second, and third rate. At least one more classification should be made, and instructions issued specifying minutely the character of the soil coming under each head, *e. g.*: First rate, rich agricultural land, needing no irrigation; second rate, agricultural land, which requires irrigation; third rate, pastoral land; fourth rate, worthless land.

This classification could and should be made even more minute and exact than suggested.

INSPECTION OF SURVEYS.

During the past fall I personally inspected a large portion of the work in the field of Deputy Surveyors de Lacy and McFarland, and in the month of June last Mr. Edward B. Bonnell, chief clerk of this office, made a brief inspection of a portion of Deputy Surveyor Page's work. It was found that the surveys had been faithfully executed in accordance with the law and instructions. The inspection of surveys by the surveyor general, whenever practicable, and otherwise by some competent agent appointed by him, is a very necessary and important duty. However careful and conscientious a deputy surveyor may be, his work, and more especially that portion of it performed by his assistants, will be better done if it is known that a thorough inspection of same will be made.

MINERAL SURVEYS.

During the past fiscal year seventy surveys of lode and placer claims have been returned to this office, worked up, and approved. The amount of deposits made for office work on mining claims was \$2,000, and amount paid to clerks from that fund \$1,690.49, showing a surplus of \$309.51.

OFFICE WORK.

A detailed statement of the work performed in this office during the fiscal year is given in Exhibit Q. Most of the townships subdivided border on the Yellowstone River, and contain a large number of fractional lots. The time and labor consumed

in the office work on such townships is from four to ten times as great as that required for an ordinary township. The work was completed as rapidly as was consistent with the thorough and careful manner in which it was performed.

STATEMENTS.

The following statements are transmitted as a part of this report, viz :

A.—Showing condition of appropriation for surveys of public land in the Territory of Montana during the fiscal year ending June 30, 1879.

B.—Showing amount of special deposits for office work on mining claims in Montana for the fiscal year ending June 30, 1879.

C.—Showing description of public land surveyed in Montana Territory during the fiscal year ending June 30, 1879.

D.—Showing condition of the public surveys contracted for by the surveyor general for Montana Territory, under appropriation by Congress for the fiscal year ending June 30, 1879.

E.—Showing condition of appointments made for the survey of mineral claims in Montana, under acts of Congress, during the fiscal year ending June 30, 1879.

F.—Showing the description of land for which township plats and descriptive lists have been furnished the Helena and Bozeman land offices during the fiscal year ending June 30, 1879.

G.—Showing the condition of the appropriation for the salary of the surveyor general for Montana during the fiscal year ending June 30, 1879.

H.—Showing the condition of the appropriation for the clerks in the office of the surveyor general for Montana for the fiscal year ending June 30, 1879.

I.—Showing the condition of the appropriation for incidental expenses for the office of the surveyor general for Montana for the fiscal year ending June 30, 1879.

J.—Showing the condition of the account of special deposits for office work on mining claims in the office of the surveyor general for Montana during the fiscal year ending June 30, 1879.

K.—Showing the number of plats made in the office of the surveyor general for Montana during the fiscal year ending June 30, 1879.

L.—Showing the number of acres of public land surveyed in Montana Territory from the inception of surveys to the close of the fiscal year ending June 30, 1879.

M.—Showing the number of linear miles run, the rate per mile, and the total cost of surveys in the Territory of Montana during the fiscal year ending June 30, 1879.

N.—Giving names, nativity, &c., of the surveyor general and the employes in his office at Helena, Mont., during the fiscal year ending June 30, 1879.

O.—Showing the special deposits by individuals for the survey of public land, other than mineral, in Montana Territory during the fiscal year ending June 30, 1879.

P.—Showing the number of letters recorded in the office of the surveyor general for Montana during the fiscal year ending June 30, 1879.

Q.—Showing the work performed in the office of the surveyor general for Montana during the fiscal year ending June 30, 1879.

R.—Estimate for surveying services and office expenses in the district of Montana for the fiscal year ending June 30, 1881.

S.—Record of temperature at Helena, Mont., from August, 1878, to June, 1879, inclusive, taken at the office of the surveyor general for Montana.

ESTIMATES.

My estimate for field work is based upon my personal knowledge and observation of the needs of settlers in this surveying district, as well as upon the reports made by deputy surveyors, and requests for surveys from settlers. During the past fiscal year a large number of immigrants have been added to our population, and the near approach of railroad communication renders it certain that the coming fiscal year will witness a still greater increase. I am aware of the fact that estimates are often made larger than the necessities of the case require, for the reason that they are usually cut down by the Committee on Appropriations, but I beg leave to state in the most emphatic manner possible that my estimate is simply for the amount actually needed, and most earnestly request that you will give it your official indorsement.

My experience in personally inspecting surveying operations in the field during the last two fiscal years has confirmed my previous views of the importance and necessity of this work, and also of the great advantage to the government of having preliminary observations made for the purpose of determining the locus of future surveys, and I trust this item will be allowed.

My estimate for my own salary is based upon that previously allowed, and, taking into consideration the cost of living in this district, it is, in my judgment, a small compensation for the services required and performed. I desire to state in this connection that the appointments appropriated for clerk hire in this office during the last two fiscal years have been totally inadequate. During the past fiscal year the gentlemen

employed in this office, besides making full time during the day, have worked until late in the evening for at least four months. While I cannot too highly commend their interest in the work and devotion to the service thus shown, it is manifestly unfair and unjust that they should receive no compensation for this extra time. In order to relieve them as much as possible, I have, in addition to the duties required of me, personally performed much clerical labor, working with them in the evenings, and yet it has required nearly three months of incessant labor since the close of the last fiscal year to complete the work pertaining to it. I most earnestly hope that this condition of affairs will have due weight in determining the amount of the appropriation, and that my estimate will be allowed.

The estimate for incidental expenses is for the same amount that has been appropriated for the last two fiscal years, and is barely sufficient to cover the actual necessary expenses of this office.

While every possible care is taken in referring to the original field notes and maps in this office, unless the necessary amount for mounting and binding same can be had it will be impossible to prevent their being defaced and in time obliterated.

AGRICULTURE.

The amount of land under cultivation has greatly increased during the past fiscal year, the best estimates placing it at this time as twice that so used at the date of my last annual report. Crops of all kinds are abundant, and considerable attention has been paid, with varying but generally successful results, to fruit raising in nearly all the settled portions of the Territory. The lands along the valley of the Yellowstone River have proved particularly well adapted to agriculture, and in most cases have been successfully cultivated without irrigation.

PLACER MINES.

The yield from placer mines has slightly increased during the fiscal year; some new and rich "diggings" have been discovered, and there still remains a vast area of unworked ground which will be utilized and pay a handsome profit whenever labor can be procured at from \$1.50 to \$2 per diem.

GOLD LODES.

The work on gold lodes has progressed steadily throughout the fiscal year; many new locations and some rich strikes have been made, and the product is much greater than during previous years. The Penobscot Company have built large and complete works, which pay well; other corporations and individuals have increased their milling and mining facilities, and the present indications are that this branch of mining is still in its infancy, and that the product will increase largely for some time to come.

SILVER LODES.

The development of several mines at Butte and Philipsburg has progressed to a point which proves the permanence and value of the ore deposits, and since that fact has been ascertained increased activity has been manifested, not only in those camps, but in all others in Montana, notably in the Vipond, Trapper, Cable, Boulder, Jefferson, Summit, and Bannack districts. Much time, labor, and money have been spent in the development of mines and the introduction of new and improved machinery for working the ores, and this industry is now in condition to offer safe investments to outside capital.

COPPER AND LEAD.

Owing to the lack of facilities for working these ores, and the great expense of transportation, but little work has been done in developing copper and lead mines, except where the ores carry a large percentage of silver. New works for handling such ores are projected at Butte, and it is probable that in another year they will be extensively worked.

COAL AND IRON.

At present there is little or no inducement to develop the large bodies of coal and iron ore which exist in many portions of Montana, but whenever a demand arises it will be found that the supply is practically inexhaustible.

SHIPMENTS OF GOLD AND SILVER.

Owing to a change in the express management during the fiscal year I have been unable to procure exact figures of the export of precious metals; but the most reliable estimates place the value of the gold and silver, inclusive of that contained in base bullion and ores, as follows:

Gold	\$2,500,000
Silver	2,500,000
Total value of shipments	5,000,000

During the same period the United States assay office at Helena, Mont., handled—		
Gold.....		\$404,762 27
Silver		324,697 03
Total		729,459 30

STOCK.

The number and value of the stock assessed in Montana during the Territorial fiscal year ending December 31, 1878, is as follows:

	Number.	Amount.
Horses and mules	39,409	\$1,408,063
Sheep.....	107,261	292,690
Cattle	214,551	2,421,726
Hogs	6,461	32,907

Although these figures show a large increase over the previous Territorial fiscal year, they cannot be considered as showing correctly the number and value of the stock now in Montana. The assessment was made in the summer and fall of 1878, and it is probable that twenty per centum additional would not more than cover the natural increase and importations. The disease known as the "black leg" has prevailed to a considerable extent among cattle, and severe losses have been sustained, but it is thought that an effectual remedy has now been discovered. Wool growers have had a very successful year. More attention is paid every year to the improvement of the quality of stock, and many blooded animals have recently been imported.

POPULATION.

The immigration to the Territory since the date of my last annual report has been very large in proportion to the population. The immigrants generally have been of a very good class, most of them having sufficient means to support themselves until such time as agriculture and stock raising will yield them a livelihood, and a large proportion of them have settled on the public lands and engaged in these pursuits. The citizens generally are peaceable, law abiding, industrious, and intelligent.

CONCLUSION.

The isolated position of Montana and the lack of comfortable modes of travel have long retarded the growth she otherwise would have attained. The Utah and Northern Railroad (narrow gauge) is already at our southern boundary and will soon be within the Territorial limits, and the benefits of this near approach of railroad communication are already being felt. The relief, however, is only partial, and in some measure sectional, and the greatest boon that Montana can receive will be the completion of the Northern Pacific Railroad. When this is done, and not until that time, will she reap the full benefits of easy communication with the rest of the country. Her magnificent natural resources will then become known and utilized, and her products will form no inconsiderable item of the wealth of the nation. Although somewhat foreign to the subject matter of this report, I venture to express the hope that Congress will extend the land grant of the Northern Pacific Railroad, which will soon be within our eastern borders, and thus hasten the day of our prosperity.

For several reasons, to which I refer more particularly in my letter of transmittal, this report has been delayed long beyond the time when I hoped and expected to have it in Washington. It is now respectfully submitted in the hope that it will meet with your approval.

Very respectfully, your obedient servant,

ROSWELL H. MASON,

United States Surveyor General for Montana.

Hon. J. A. WILLIAMSON,
Commissioner.

A.—Statement showing condition of appropriation for surveys of public land in the Territory of Montana during the fiscal year ending June 30, 1879.

Dr.

Cr.

No. of contracts.	Date of accounts.	Contractors.	Amount.	Date.		Amount.
	1878.					
84	Nov. 25	James M. Page	\$923 75	1878.		
81	Dec. 10	Demas L. McFarland ..	1,359 11	July 25	By appropriation, act of	\$15,500 00
	1879.				June 20, 1878.	
81	Jan. 15	.....do	646 72		By deficiency.....	162 80
84	Jan. 25	James M. Page	1,343 23			
81	Feb. 19	Demas L. McFarland...	746 23			
82	Feb. 21	Walter W. de Lacy.....	2,682 41			
81	Feb. 25	Demas L. McFarland ..	885 89			
82	Mar. 11	Walter W. de Lacy.....	2,203 18			
81	June 25	Demas L. McFarland...	484 97			
85	June 28	James M. Page	1,387 17			
81	Aug. 19	Demas L. McFarland...	1,529 11			
85	Aug. 25	James M. Page	306 77			
84	Sept. 5	.....do	1,164 26			
			15,662 80			15,662 80

ROSWELL H. MASON,
United States Surveyor General for Montana.

Name of deputy.	Date of appointment.	Name of depositor.	Number of survey.	Amount of deposit.*	Number of certificate.	Date of certificate of deposit.	No. of lot.	Location of survey.	
								Township.	Range.
Walter W. de Lacy	Apr. 25, 1873	David Williamson <i>et al</i>	634	\$25	211	July 5, 1878	47	11 north	7 west.
Benjamin F. Marsh	Aug. 6, 1872	George H. Platt <i>et al</i>	635	25	212	July 10, 1878	47	9 north	5 west.
Thomas T. Baker	Dec. 15, 1877	John A. Leggat <i>et al</i>	636	25	213	July 15, 1878	56	3 north	7 west.
James M. Page	July 15, 1874	Thomas Halloran	637	25	214	July 15, 1878	40	5 south	4 west.
Benjamin F. Marsh	Aug. 6, 1872	James L. Davis	638	25	215	July 17, 1878	80	8 north	5 west.
George F. Marsh	Oct. 25, 1877	W. G. Prewitt <i>et al</i>	639	25	216	July 17, 1878	47	11 north	6 west.
Do.	Oct. 25, 1877	W. A. Clark <i>et al</i>	640	25	217	July 20, 1878	99	3 north	8 west.
James M. Page	July 15, 1874	Monroe Silver Mining Company	641	25	221	July 25, 1878	53	3 south	11 west.
Do.	July 15, 1874	do.	642	25	222	July 25, 1878	54	3 south	11 west.
George F. Marsh	Oct. 25, 1877	Benjamin C. Brooke	643	25	223	July 31, 1878	48	11 north	6 west.
Do.	Oct. 25, 1877	Charles S. Warren <i>et al</i>	644	25	224	Aug. 22, 1878	100	3 north	8 west.
Do.	Oct. 25, 1877	William A. Clark <i>et al</i>	645	25	225	Aug. 22, 1878	101	3 north	8 west.
Thomas T. Baker	Dec. 15, 1877	Charles Clark <i>et al</i>	646	25	226	Aug. 26, 1878	102	3 north	8 west.
Do.	Dec. 15, 1877	John Noyes <i>et al</i>	647	25	227	Sept. 21, 1878	103	3 north	8 west.
Do.	Dec. 15, 1877	do.	647	5	260	Jan. 9, 1879	103	3 north	8 west.
Do.	Dec. 15, 1877	James A. Murray <i>et al</i>	648	25	228	Sept. 24, 1878	104	3 north	8 west.
Do.	Dec. 15, 1877	do.	649	25	229	Sept. 24, 1878	105	3 north	8 west.
Do.	Dec. 15, 1877	do.	650	25	230	Sept. 24, 1878	106	3 north	8 west.
George F. Marsh	Oct. 25, 1877	Robert McMinn	651	25	231	Sept. 27, 1878	107	3 north	8 west.
Do.	Oct. 25, 1877	W. A. Clark <i>et al</i>	652	25	232	Sept. 30, 1878	98	3 north	8 west.
Thomas T. Baker	Dec. 15, 1877	A. W. Barnard <i>et al</i>	653	25	233	Oct. 1, 1878	48 and 84	3 north	7 and 8 west.
George F. Marsh	Oct. 25, 1877	William A. Clark <i>et al</i>	654	25	234	Oct. 4, 1878	108	3 north	8 west.
George B. Foote	Dec. 19, 1872	William J. Barton	655	25	235	Oct. 10, 1878	41	10 north	6 west.
Do.	Dec. 19, 1872	D. W. Habert	656	25	236	Oct. 10, 1878	42	10 north	6 west.
George F. Marsh	Oct. 25, 1877	Hope Mining Company	657	15	237	Oct. 21, 1878	56	7 north	13 west.
Do.	Oct. 25, 1877	do.	658	15	238	Oct. 21, 1878	57	7 north	13 west.
Do.	Oct. 25, 1877	do.	659	25	239	Oct. 21, 1878	58	7 north	13 west.
Do.	Oct. 25, 1877	National Mining and Exploring Company	660	25	240	Oct. 23, 1878	109	3 north	8 west.
Do.	Oct. 25, 1877	Hope Mining Company	661	25	241	Oct. 23, 1878	59	7 north	13 west.
Do.	Oct. 25, 1877	do.	662	25	242	Oct. 23, 1878	60	7 north	13 west.
Do.	Oct. 25, 1877	do.	663	25	243	Oct. 23, 1878	61	7 north	13 west.
Do.	Oct. 25, 1877	L. M. Black	664	25	244	Oct. 24, 1878	110	3 north	8 west.
Do.	Oct. 25, 1877	Wesley P. Emery	665	25	245	Nov. 2, 1878	111	3 north	8 west.
George B. Foote	Dec. 19, 1872	John J. Weyberger	666	25	246	Nov. 13, 1878	41	11 north	1 east.
George F. Marsh	Oct. 25, 1877	David N. Upton	667	25	247	Nov. 19, 1878	57	3 north	7 west.

Do.....	Oct. 25, 1877	Andrew J. Davis	668	35	248	Nov. 23, 1878	112	3 north.....	8 west.
Do.....	Oct. 25, 1877	do.....	669	25	249	Nov. 23, 1878	113	3 north.....	8 west.
Do.....	Oct. 25, 1877	do.....	670	25	250	Nov. 23, 1878	114	3 north.....	8 west.
Do.....	Oct. 25, 1877	do.....	671	25	251	Nov. 23, 1878	115	3 north.....	8 west.
Thomas T. Baker	Dec. 15, 1877	John H. Leffler <i>et al</i>	672	25	252	Nov. 27, 1878	58	3 north.....	7 west.
Do.....	Dec. 15, 1877	Joel A. Harrington	673	25	253	Nov. 30, 1878	59	3 north.....	7 west.
George F. Marsh	Oct. 25, 1877	Marcus Daly	674	30	254	Dec. 2, 1878	116 A and B	3 north.....	8 west.
Do.....	Oct. 25, 1877	do.....	675	25	255	Dec. 2, 1878	117	3 north.....	8 west.
Do.....	Oct. 25, 1877	do.....	676	25	256	Dec. 2, 1878	118	3 north.....	8 west.
George B. Foote	Dec. 19, 1872	National Mining and Exploring Company	677	25	257	Dec. 16, 1878	83	9 north.....	4 west.
George F. Marsh	Oct. 25, 1877	William A. Clark <i>et al</i>	678	25	258	Dec. 19, 1878	37	4 north.....	11 west.
Do.....	Oct. 25, 1877	Ferdinand Hirsche <i>et al</i>	679	25	259	Dec. 20, 1878	119	3 north.....	8 west.
Do.....	Oct. 25, 1877	Patrick Woods <i>et al</i>	680	25	261	Jan. 28, 1879	60	3 north.....	7 west.
Do.....	Oct. 25, 1877	Lyman W. Scott <i>et al</i>	682	25	262	Feb. 28, 1879	120	3 north.....	8 west.
James M. Page	July 15, 1874	Philip Shenon <i>et al</i>	683	25	264	Mar. 17, 1879	43	8 south.....	11 west.
Do.....	July 15, 1874	do.....	684	25	265	Mar. 17, 1879	44	8 south.....	11 west.
Thomas T. Baker	Dec. 15, 1877	William W. Prowse <i>et al</i>	685	25	266	Mar. 18, 1879	121	3 north.....	8 west.
George F. Marsh	Oct. 25, 1877	James A. Murray <i>et al</i>	686	25	267	Mar. 18, 1879	61 and 122	3 north.....	7 and 8 west.
Thomas T. Baker	Dec. 15, 1877	Marcus Daly <i>et al</i>	687	25	268	Mar. 28, 1879	64	3 north.....	7 west.
Do.....	Dec. 15, 1877	Samuel B. Larmour <i>et al</i>	688	30	269	Apr. 4, 1879	123	3 north.....	8 west.
Do.....	Dec. 15, 1877	Hecla Consolidated Mining Company	689	25	270	Apr. 10, 1879	38	2 south.....	10 west.
Do.....	Dec. 15, 1877	do.....	690	25	271	Apr. 10, 1879	55	3 south.....	11 west.
Do.....	Dec. 15, 1877	do.....	691	25	272	Apr. 10, 1879	56	3 south.....	11 west.
Do.....	Dec. 15, 1877	do.....	692	25	273	Apr. 10, 1879	57	3 south.....	11 west.
Do.....	Dec. 15, 1877	do.....	693	25	274	Apr. 10, 1879	58	3 south.....	11 west.
Do.....	Dec. 15, 1877	do.....	694	25	275	Apr. 10, 1879	59	3 south.....	11 west.
Do.....	Dec. 15, 1877	William J. McNamara <i>et al</i>	695	30	276	Apr. 15, 1879	124	3 north.....	8 west.
Do.....	Dec. 15, 1877	Charles H. Larabie	696	30	277	Apr. 15, 1879	62	3 north.....	7 west.
Benjamin F. Marsh	Aug. 6, 1872	Martin Mitchell <i>et al</i>	697	5	286	Apr. 19, 1879	41 A and B	12 north.....	6 west.
Do.....	Aug. 6, 1872	do.....	697	25	278	May 8, 1879	41 A and B	12 north.....	6 west.
Thomas T. Baker	Dec. 15, 1877	George W. Rea <i>et al</i>	698	30	279	Apr. 26, 1879	37	1 north.....	8 west.
George F. Marsh	Oct. 25, 1877	T. H. Kleinschmidt <i>et al</i>	699	30	280	Apr. 28, 1879	125	3 north.....	8 west.
Do.....	Oct. 25, 1877	James A. Murray	700	30	281	Apr. 29, 1879	126 and 38	3 and 4 north.....	8 west.
Benjamin F. Marsh	Aug. 6, 1872	H. H. Patting <i>et al</i>	701	25	282	Apr. 30, 1879	49	11 north.....	1 west.
Do.....	Aug. 6, 1872	do.....	702	25	283	Apr. 30, 1879	50	11 north.....	1 west.
Do.....	Aug. 6, 1872	Louis Rotwitt	703	25	284	Apr. 30, 1879	51	11 north.....	1 west.
Thomas T. Baker	Dec. 15, 1877	John M. Steward <i>et al</i>	704	30	285	May 1, 1879	63 and 127	3 north.....	7 and 8 west.
George B. Foote	Dec. 19, 1872	William Chumaseiro <i>et al</i>	705	25	288	May 12, 1879	49	11 north.....	6 west.
Do.....	Dec. 19, 1872	do.....	706	30	287	May 12, 1879	50 A and B	11 north.....	6 west.
Benjamin F. Marsh	Aug. 6, 1872	Samuel F. Ralston	707	30	289	May 12, 1879	42	12 north.....	6 west.
Albert B. Knight	July 19, 1875	Hugh White <i>et al</i>	708	30	290	May 12, 1879	50	7 south.....	3 west.
Thomas T. Baker	Dec. 15, 1877	W. Egbert Smith <i>et al</i>	709	35	291	May 12, 1879	65 A & B & 38	3 and 4 north.....	7 west.
Do.....	Dec. 15, 1877	Richard S. Jones	711	30	292	May 21, 1879	66	3 north.....	7 west.
Do.....	Dec. 15, 1877	Joseph V. Surprenant <i>et al</i>	712	30	293	May 31, 1879	67	3 north.....	7 west.
Total amount deposited			2,000						

* Deposited in First National Bank of Helena, Montana.

ROSWELL H. MASON,
United States Surveyor General for Montana.

C.—List of public lands surveyed in Montana Territory during the fiscal year ending June 30, 1879.

Number of townships surveyed.	Township.	Range.	Public lands surveyed, agricultural.	Public lands surveyed, coal.	Public lands surveyed, timber.	Public lands surveyed, rivers and lakes.	Total surveyed.	Previously surveyed.	Unsurveyed mountain lands.	Unsurveyed bad lands.	Unsurveyed military reservations.	Unsurveyed Indian reservations.	Total unsurveyed.	Total number of acres.
			Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
1	3 north	8 west			1,870.79		1,870.79	21,289.57						23,160.36
2	4 north	8 west			23,307.15		23,307.15							23,307.15
3	6 north	41 east	21,962.18			1,018.50	22,980.68							22,980.68
4	7 north	41 east	19,132.50	3,824.32			22,956.82							22,956.82
5	6 north	42 east	21,859.38	160.00			22,995.48							22,995.48
6	5 north	8 west			23,013.93		23,013.93							23,013.93
7	6 north	8 west			22,981.43		22,981.43							22,981.43
8	6 north	43 east	21,664.83	160.00		1,183.81	23,008.64							23,008.64
9	1 south	24 east	22,273.21				22,273.21		617.20				617.20	22,890.41
10	1 south	25 east	21,280.77				21,280.77					1,620.58	1,620.58	22,901.35
11	1 south	26 east	8,589.60				8,589.60					14,283.36	14,283.36	22,872.96
12	2 south	19 east	5,539.56				5,539.56					17,374.20	17,374.20	22,918.76
13	2 south	20 east	17,296.44				17,296.44					5,637.96	5,637.96	22,874.40
14	2 south	23 east	14,613.88				14,613.88		7,772.09			8,527.85	8,527.85	22,913.82
15	2 south	24 east	13,026.46				13,026.46					9,895.94	9,895.94	22,922.40
16	2 south	25 east	1,944.06				1,944.06					20,970.18	20,970.18	22,914.24
17	3 south	23 east	1,021.76				1,021.76					21,926.80	21,926.80	22,948.56
18	7 north	47 east	5,901.03				5,901.03				17,044.65		17,044.65	22,945.68
19	8 north	47 east	20,468.12		1,005.42		21,473.54				1,404.97		1,404.97	22,878.51
20	1 north	26 east	19,439.39				19,439.39					3,573.01	3,573.01	23,012.40
21	2 north	26 east	22,949.78				22,949.78							22,949.78
22	1 north	27 east	1,748.14				1,748.14					21,274.10	21,274.10	23,022.24
23	2 north	27 east	20,225.53				20,225.53					2,799.00	2,799.00	23,024.53
24	3 north	27 east	23,063.94				23,063.94							23,063.94
25	7 north	43 east	10,783.01	12,122.71			22,905.72							22,905.72
26	21 north	8 east	4,159.98				4,159.98	16,945.76	2,240.00				2,240.00	23,345.74
27	21 north	9 east	8,306.58				8,306.58		14,661.42				14,661.42	22,968.00
28	22 north	9 east	22,396.17			517.40	22,913.57							22,913.57
29	23 north	9 east	22,896.68				22,896.68							22,896.68
30	6 north	44 east	13,959.45			1,827.85	15,787.30			7,180.74			7,180.74	22,968.04
31	7 north	44 east	2,695.26			168.62	2,863.88			20,079.40			20,079.40	22,943.28
32	7 north	45 east	21,984.45			1,008.29	22,992.74							22,992.74
33	20 north	3 west	18,043.53				18,043.53				4,425.48		4,425.48	22,469.01
			420,165.67	16,267.03	71,173.30	7,705.99	524,311.99	38,235.33	25,290.71	27,260.14	22,875.10	119,882.98	195,308.93	757,856.25

ROSWELL H. MASON, United States Surveyor General for Montana.

D.—Statement showing condition of the public surveys contracted for by the surveyor general for Montana Territory, under appropriation by Congress, for the fiscal year ending June 30, 1879.

Contract.		Character and location of work.	Names of deputies.	Remarks.
No.	Date.			
81	1878. July 27	A guide meridian from the second standard parallel north, south through townships 8 and 7 north, between ranges 40 and 41 east; the exterior boundaries and subdivision lines of townships 7 and 8 north, ranges 41, 42, 43, 44, and 45 east; the extension of the second standard parallel north, east through ranges 47 (fractional) and 48 east; a guide meridian from the second standard parallel north, south through townships 8 and 7 north, between ranges 47 and 48 east; the exterior boundaries and subdivision lines of townships 7 and 8 north, range 47 east, and township 8 north, range 48 east; a guide meridian from the second standard parallel north, through townships 9 and 10 north, between ranges 47 and 48 east; and the exterior boundaries and subdivision lines of township 9 north, range 48 east. Estimated amount of contract being \$5,500.	Demas L. McFarland..	The Little Porcupine guide meridian, between ranges 40 and 41 east, was run through townships 8, 7, and 6 north; the exterior boundaries only of township 8 north, ranges 41, 42, 43, 44, and 45 east, and township 7 north, range 42 east, were run; township 6 north, ranges 41, 42, 43, and 44 east, were substituted under special instructions; the second standard parallel north was run through fractional range 47 east only; the guide meridian through townships 9 and 10 north, between ranges 47 and 48 east, and the exterior boundaries and subdivision lines of townships 8 and 9 north, range 48 east, were not run; townships 6 and 7 north, range 44 east, and townships 7 and 8 north, range 47 east, are fractional. Completed and returned. Amount, \$5,652.03.
82	July 30	The exterior boundaries and subdivision lines of township 2 south, ranges 20 and 19 east, 2 and 3 south; range 23 east, 2, 3, and 1 south; range 24 east, 2 and 1 south; range 25 east; the extension of the base line east, through range 26 east (fractional); the exterior boundaries and subdivision lines of township 1 south, range 26 east; a guide meridian from the base line, north through townships 1, 2, 3, and 4 north, between ranges 25 and 26 east; and the exterior boundaries and subdivision lines of townships 1, 2, and 3 north, range 26 east, and 1, 2, and 3 north, range 27 east. Estimated amount of contract being \$5,000.	Walter W. De Lacy...	Township 1 south, ranges 24, 25, and 26 east; township 2 south, ranges 19, 20, 23, 24, and 25 east; township 3 south, range 23 east, and township 1 north, ranges 26 and 27 east, are fractional. Township 3 south, range 24 east, falls on the Crow Indian Reservation, and was not run. Amount, \$4,885.59. Balance of contract canceled March 10, 1879.
83	Aug. 7	The exterior boundaries and subdivision lines of fractional township 3 north, range 8 west; townships 4, 5, and 6 north, range 8 west; the extension of the second standard parallel north, west through range 5 west; the exterior boundaries of townships 9 and 10 north, range 5 west; township 10 north, range 6 west; township 11 north, ranges 5 and 6 west; township 12 north, range 5 west; the extension of the third standard parallel north, west through ranges 6 and 7 west, and the exterior boundaries of township 12 north, range 6 west, and township 13 north, ranges 5 and 6 west. Estimated amount of contract being \$3,500.	William T. McFarland.	Canceled August 24, 1878.
84	Aug. 21	The exterior boundaries and subdivision lines of fractional township 3 north, range 8 west; townships 4, 5, and 6 north, range 8 west; the extension of the second standard parallel north, west through range 5 west; the exterior boundaries of townships 9 and 10 north, range 5 west; township 10 north, range 6 west; township 11 north, ranges 5 and 6 west; township 12 north, range 5 west; the extension of the third standard parallel north, west through ranges 6 and 7 west, and the exterior boundaries of township 12 north, range 6 west, and township 13 north, ranges 5 and 6 west. Estimated amount of contract being \$3,500.	James M. Page	The exterior boundaries of township 13 north, ranges 5 and 6 west, were not run. Completed and returned. Amount, \$3,431.24.

D.—Statement showing condition of the public surveys contracted for by the surveyor general for Montana Territory, &c.—Continued.

Contract.		Character and location of work.	Names of deputies.	Remarks.
No.	Date.			
85	1879. Mar. 17	The fifth standard parallel north, between townships 20 and 21 north, through ranges 8 and 9 east; the fractional east boundary and subdivision lines of fractional township 21 north, range 8 east, and the exterior boundaries and subdivision lines of townships 21, 22, and 23 north, range 9 east. Estimated amount of contract being \$1,600.	James M. Page	Township 21 north, ranges 8 and 9 east, are fractional; township 20 north, range 3 west, was substituted under special instructions. Completed and returned. Amount, \$1,693.94.

ROSWELL H. MASON,
United States Surveyor General for Montana.

E.—Statement showing the condition of appointments made for the survey of mineral claims in Montana, under acts of Congress, during the fiscal year ending June 30, 1879.

Number.	Date of appointment.	Name of deputy.	Extent of district.	Number of surveys made.	Remarks.
1	Aug. 6, 1872	Benjamin F. Marsh	Montana Territory....	7	Resigned March 7, 1879.
2	Dec. 19, 1872	George B. Foote	do	6	
3	Apr. 25, 1873	Walter W. de Lacy	do	1	
4	May 9, 1873	Peter Koch	do	0	
5	Sept. 13, 1873	M. A. A. Myendorff	do	0	
6	June 22, 1874	Demas L. McFarland	do	0	
7	July 15, 1874	James M. Page	do	5	
8	June 18, 1875	Benjamin H. Paten	do	0	
9	July 19, 1875	Albert B. Knight	do	1	
10	Nov. 24, 1876	Germaine A. Kellogg	do	0	
11	Oct. 25, 1877	George F. Marsh	do	32	
12	Dec. 15, 1877	Thomas T. Baker	do	25	
13	Mar. 15, 1879	John M. Marsh	do	0	
Total.....				77	

ROSSELL H. MASON,
United States Surveyor General for Montana.

F.—Statement showing the description of land for which township plats and descriptive lists have been furnished the Helena and Bozeman land offices during the fiscal year ending June 30, 1879.

HELENA LAND OFFICE, HELENA, MONTANA.

Number.	Township.	Range.	Area.	When transmitted.	
				Duplicate platd.	Descriptive lists.
1	3 north	8 west	1, 870. 79	Nov. 25, 1878	Nov. 25, 1878.
2	4 north	8 west	23, 807. 15	Nov. 25, 1878	Nov. 25, 1878.
3	6 north	41 east	22, 980. 68	Dec. 10, 1878	Dec. 10, 1878.
4	7 north	41 east	22, 956. 82	Dec. 10, 1878	Dec. 10, 1878.
5	6 north	42 east	22, 995. 48	Jan. 15, 1879	Jan. 15, 1879.
6	5 north	8 west	23, 013. 93	Jan. 25, 1879	Jan. 25, 1879.
7	6 north	8 west	22, 981. 43	Jan. 25, 1879	Jan. 25, 1879.
8	6 north	43 east	23, 008. 64	Feb. 19, 1879	Feb. 19, 1879.
9	7 north	47 east	5, 901. 03	Feb. 25, 1879	Feb. 25, 1879.
10	8 north	47 east	21, 473. 54	Feb. 25, 1879	Feb. 25, 1879.
11	7 north	43 east	22, 905. 72	Aug. 8, 1879	Aug. 8, 1879.
12	21 north	8 east	4, 159. 98	Aug. 8, 1879	Aug. 8, 1879.
13	21 north	9 east	8, 306. 58	Aug. 8, 1879	Aug. 8, 1879.
14	22 north	9 east	22, 913. 57	Aug. 8, 1879	Aug. 8, 1879.
15	23 north	9 east	22, 896. 68	Aug. 8, 1879	Aug. 8, 1879.
16	6 north	44 east	13, 959. 45	Sept. 20, 1879	Sept. 20, 1879.
17	7 north	44 east	2, 695. 26	Sept. 20, 1879	Sept. 20, 1879.
18	7 north	45 east	21, 984. 45	Sept. 20, 1879	Sept. 20, 1879.
19	20 north	3 west	18, 043. 53	Sept. 18, 1879	Sept. 18, 1879.

BOZEMAN LAND OFFICE, BOZEMAN, MONTANA.

20	2 south	19 east	5, 539. 56	Feb. 15, 1879	Feb. 15, 1879.
21	2 south	20 east	17, 236. 44	Feb. 15, 1879	Feb. 15, 1879.
22	2 south	23 east	14, 613. 88	Feb. 15, 1879	Feb. 15, 1879.
23	3 south	23 east	1, 021. 76	Feb. 15, 1879	Feb. 15, 1879.
24	1 south	24 east	22, 273. 21	Feb. 15, 1879	Feb. 15, 1879.
25	1 south	25 east	21, 280. 77	Feb. 15, 1879	Feb. 15, 1879.
26	1 south	26 east	8, 589. 60	Feb. 15, 1879	Feb. 15, 1879.
27	2 south	24 east	13, 026. 46	Feb. 15, 1879	Feb. 15, 1879.
28	2 south	25 east	1, 944. 06	Feb. 15, 1879	Feb. 15, 1879.
29	1 north	26 east	19, 439. 39	Mar. 4, 1879	Mar. 4, 1879.
30	2 north	26 east	22, 949. 78	Mar. 4, 1879	Mar. 4, 1879.
31	1 north	27 east	1, 748. 14	Mar. 4, 1879	Mar. 4, 1879.
32	2 north	27 east	20, 225. 53	Mar. 4, 1879	Mar. 4, 1879.
33	3 north	27 east	23, 063. 94	Mar. 4, 1879	Mar. 4, 1879.

ROSSELL H. MASON,
United States Surveyor General for Montana.

G.—Statement showing the condition of the appropriation for the salary of the surveyor general for Montana during the fiscal year ending June 30, 1879.

1878. Sept. 30	To Roswell H. Mason, first quarter	\$687 50	1878. July 10	By appropriation, act approved June 19, 1878	\$2,750 00
Dec. 31	To Roswell H. Mason, second quarter	687 50			
1879. Mar. 31	To Roswell H. Mason, third quarter	687 50			
June 30	To Roswell H. Mason, fourth quarter	687 50			
		2,750 00			2,750 00

ROSSELL H. MASON,
United States Surveyor General for Montana.

H.—Statement showing the condition of the appropriation for the clerks in the office of the surveyor general for Montana for the fiscal year ending June 30, 1879.

1878. Aug. 6	To William T. McFarland, chief clerk	\$180 95	1878. July 10	By appropriation, act approved June 19, 1878	\$3,000 00
Sept. 18	To Frederick Gilbert, draughtsman	154 89			
30	To Edward B. Bonnell, chief clerk	269 05			
30	To John M. Marsh, draughtsman	150 56			
30	To Leslie N. Wilkie, draughtsman	48 91			
Dec. 31	To Edward B. Bonnell, chief clerk	450 00			
31	To Leslie N. Wilkie, draughtsman	350 00			
1879. Mar. 31	To Edward B. Bonnell, chief clerk	450 00			
31	To Leslie N. Wilkie, draughtsman	375 00			
June 30	To Edward B. Bonnell, chief clerk	450 00			
30	To Leslie N. Wilkie, draughtsman	119 51			
	To balance	88			
		3,000 00			3,000 00

ROSSELL H. MASON,
United States Surveyor General for Montana.

I.—Statement showing condition of the appropriation for incidental expenses for the office of the surveyor general for Montana for the fiscal year ending June 30, 1879.

1878.			1878.		
Aug. 7	To Masters & Stone, stationery	\$42 00	July 10	By appropriation, act approved June 20, 1878	\$1, 500 00
7	To Fisk Bros., stationery	47 00			
7	To Sands Bros., matting, &c.	80 90			
Sept. 30	To John E. Howard, messenger	45 00			
30	To Fisk Bros., rent	120 00			
30	To Auerbach, Wells & Co., stationery	79 91			
30	To Helena City Water Company, water	24 00			
30	To Edward B. Bonnell, sundries	33 75			
Oct. 31	To A. M. Halter & Bro., office furniture	129 00			
Nov. 19	To W. & L. E. Gurley, drawing instruments	27 84			
19	To D. McClelland, plats	32 00			
19	To Benjamin Malben, wood	49 50			
Dec. 31	To Fisk Bros., rent	120 00			
31	To John E. Howard, messenger.	45 00			
31	To Auerbach, Wells & Co., stationery	29 80			
31	To Joseph Black, office furniture	45 25			
31	To Edward B. Bonnell, incidentals	29 50			
1879.					
Mar. 31	To Edward B. Bonnell, incidentals	28 45			
31	To John E. Howard, messenger.	45 00			
31	To Fisk Bros., rent	120 00			
31	To Auerbach, Wells & Co., stationery	21 40			
June 2	To Culver, Page, Hoyne & Co., stationery	20 50			
30	To Jansen, McClurg & Co., stationery	77 91			
30	To Fisk Bros., rent	120 00			
30	To John E. Howard, messenger.	45 00			
30	To Leslie N. Wilkie, incidentals	41 25			
30	To balance	04			
		1, 500 00			1, 500 00

ROSSELL H. MASON,
United States Surveyor General for Montana.

J.—Statement showing the condition of the account of special deposits for office work in the office of the surveyor general for Montana for the fiscal year ending June 30, 1879.

1878.			1879.		
July 1	To balance from last fiscal year	\$853 93	June 30	By amount deposited for office work on surveys of mining claims during the fiscal year, as per Exhibit B	\$2, 000 00
Sept. 30	To Edward B. Bonnell, first quarter	160 00	30	By deficiency	544 42
30	To John M. Marsh, first quarter	235 00			
Dec. 31	To John M. Marsh, second quarter	385 00			
1879.					
Feb. 20	To John M. Marsh, third quarter	215 00			
Mar. 4	To William T. McFarland, third quarter	50 00			
June 30	To Leslie N. Wilkie, fourth quarter	255 49			
30	To Jacob Medary, fourth quarter	390 00			
		2, 544 42			2, 544 42

ROSSELL H. MASON,
United States Surveyor General for Montana.

K.—Statement showing the number of plats made in the office of the surveyor general for Montana during the fiscal year ending June 30, 1879.

Description.	Original.	Department.	Local land office.	Posting.	Tracings.	Skeleton.	Total.
Plats of standard lines	3	3	.....	.....	.....	.....	6
Plats of meridian lines	2	2	.....	.....	.....	.....	4
Plats of exterior lines	16	16	.....	.....	.....	.....	32
Plats of subdivision lines	33	33	33	.....	.....	.....	99
Plats of mineral claims	70	70	70	78	.....	.....	288
Plats (supplementary) showing location of mineral claims	2	.....	.....	.....	15	8	10
Plats showing location of contracts	5	.....	.....	.....	.....	.....	20
Plats, supplemental .....	.....	2	.....	.....	.....	.....	2
Total.....	131	126	103	78	15	8	461

ROSSELL H. MASON,
United States Surveyor General for Montana.

L.—Statement showing the number of acres of public land surveyed in Montana Territory from the inception of surveys to the close of the fiscal year ending June 30, 1879.

Number of acres surveyed to June 30, 1878	10, 272, 390. 03
Number of acres surveyed during the fiscal year ending June 30, 1879 ..	524, 311. 99
Number of acres surveyed (mineral land) on unsurveyed land during the fiscal year ending June 30, 1879	1, 668. 19
Total	10, 798, 370. 21

ROSSELL H. MASON,
United States Surveyor General for Montana.

M.—Statement showing the number of linear miles run, the rate per mile, and the total cost of surveys in the Territory of Montana, during the fiscal year ending June 30, 1879.

Description.	Miles.	Chains.	Links.	Rate per mile.	Amount.
No timber:					
Base line	3	25	66	\$10	\$33 21
Meridian lines	47	62	35	10	477 79
Standard lines	1	38	77	10	14 85
Township lines	304	30	28	7	2, 130 65
Section lines	1, 125	38	42	6	6, 752 88
Meander lines	138	4	58	6	828 34
Connection lines	6	2	55	6	36 20
Through timber:					
Meridian lines	5	55	76	16	91 15
Standard lines	30	0	0	16	480 00
Township lines	108	48	87	14	1, 520 53
Section lines	241	51	53	10	2, 416 43
Meander lines	88	6	24	10	880 77
Totals:					
Base line	3	25	66	10	33 21
Meridian lines	53	38	11	\$10 and 16	568 94
Standard lines	31	38	77	10 and 16	494 85
Township lines	412	79	15	7 and 14	3, 651 16
Section lines	1, 367	0	95	6 and 10	9, 169 31
Meander lines	220	10	82	6 and 10	1, 709 11
Connection lines	6	2	55	6	36 20
Office and incidental expenses .....	.....	.....	.....	.....	7, 249 13
Total cost of surveys.....					22, 911 93

ROSSELL H. MASON,
United States Surveyor General for Montana.

N.—Statement giving the names, nativity, &c., of the surveyor general and the employes in his office at Helena, Mont., during the fiscal year ending June 30, 1879.

Names.	Occupation.	Nativity.	Whence appointed.	Salary.	Date of appointment.	Remarks.
Roswell H. Mason.	Surveyor general	Connecticut.	Montana..	\$2,750	Sept. 7, 1877	
W. T. McFarland.	Chief clerk.....	Indiana.....	do	1,800	Oct. 27, 1877	† Aug. 6, 1878.
Ed. B. Bonnell	do	New York	do	1,800	Aug. 7, 1877	
John M. Marsh	Draughtsman	Indiana.....	do	1,500	July 1, 1877	† Aug. 7, 1878.
Frederick Gilbert.	do	New York	Wyoming	1,500	Aug. 7, 1878	† Sept. 18, 1878.
Leslie N. Wilkie	do	Nova Scotia.	Montana..	1,500	Srpt. 19, 1878	
Ed. B. Bonnell	Mineral clerk	New York	do	*5	July 1, 1877	§ Aug. 7, 1878.
John M. Marsh	do	Indiana.....	do	*5	Aug. 7, 1878	† Feb. 20, 1879.
W. T. McFarland.	do	do	do	*5	Feb. 21, 1879	|| Feb. 21 to Mar. 4, 1879.
Jacob Medary	do	Ohio	do	*5	Mar. 21, 1879	
John E. Howard	Messenger	England	do	180	Oct. 20, 1877	

* Per diem. † Resigned. ‡ Appointed mineral clerk. § Promoted to chief clerk. || Temporarily employed.

ROSWELL H. MASON,
United States Surveyor General for Montana.

O.—Statement showing the special deposits by individuals for the survey of public land, other than mineral, in Montana Territory, during the fiscal year ending June 30, 1879.

Name of deputy.	Date of deposit.	No. of certificate of deposit.	Name of depositor.	Field work.	Office work.	Location of work.
Demas L. McFarland.	July 23, 1878	217	A. Carmichael, probate judge.	.....	\$25	} Exterior boundaries of town site of Miles City.
Do	July 23, 1878	218	.....do	\$125	....

ROSWELL H. MASON,
United States Surveyor General for Montana.

P.—Statement showing the number of letters recorded in the office of the surveyor general for Montana during the fiscal year ending June 30, 1879.

Letters written to—	Number.	Folios of record.	Letters received from—	Number.	Folios of record.
Commissioner General Land Office..	195	314	Commissioner General Land Office.	124	155.
United States deputy surveyors....	250	235	United States deputy surveyors...	176	230
Miscellaneous	144	181	Miscellaneous	75	95
Total	589	730	Total	375	480.
				589	730
Total				964	1,210.

ROSWELL H. MASON,
United States Surveyor General for Montana.

Q.—Statement of work performed in the office of the surveyor general for Montana during the fiscal year ending June 30, 1879.

Number.	Description.	Number of folios.
23	Sets of special instructions to accompany contracts for public surveys prepared.....	225
6	Contracts for public surveys prepared.....	
20	Plats and tracings showing location of contracts prepared.....	
88	Original field notes of public surveys examined and approved.....	
88	Transcripts of field notes of public surveys prepared, examined, and approved.....	8,667
33	Township plats prepared, examined, and approved.....	
16	Plats of exterior boundaries prepared, examined, and approved.....	
5	Plats of standard and meridian lines prepared, examined, and approved.....	
33	Descriptive lists of corners prepared, examined, approved, and transmitted to local land offices.....	424
33	Descriptive lists of land, soil, &c., prepared, examined, approved, and transmitted to local land offices.....	216
13	Surveyors' accounts for surveys prepared in duplicate.....	
78	Estimates for office work on mineral surveys prepared and transmitted to applicants.....	
78	Orders for mineral surveys prepared and issued to deputy surveyors.....	
70	Original field notes of mineral surveys examined and approved.....	
70	Transcripts of field notes of mineral surveys prepared, examined, and approved.....	1,262
288	Plats of mineral surveys prepared, examined, and approved.....	
32	Miscellaneous plats prepared.....	
589	Letters written.....	730
375	Letters received and filed.....	
934	Letters recorded.....	1,210
22	Salary accounts prepared in duplicate.....	
26	Incidental accounts prepared in duplicate.....	
1	Annual report prepared in triplicate.....	108
19	Sets accompanying statements prepared in triplicate.....	140
Total number of folios.....		7,982

ROSSELL H. MASON,
United States Surveyor General for Montana.

R.—Estimate for surveying services and office expenses in the district of Montana for the fiscal year ending June 30, 1881.

FIELD WORK.

For surveying 290 miles base line, at \$10.....	\$2,900 00	
For surveying 100 miles standard lines, at \$10.....	1,000 00	
For surveying 150 miles meridian lines, at \$10.....	1,500 00	
For surveying 1,200 miles township lines, at \$7.....	8,400 00	
For surveying 3,000 miles section lines, at \$6.....	18,000 00	
For surveying 100 miles meander lines, at \$10.....	1,000 00	
For surveying heavily timbered and mountainous land, at rates not exceeding \$16 for standard, \$14 for township, and \$10 for section lines.....	10,000 00	
For inspecting surveys and preliminary observations to determine the locus of future surveys.....	3,000 00	
		\$45,800 00

OFFICE WORK.

For salary of surveyor general.....	3,000 00	
For salary of chief clerk.....	1,800 00	
For salaries of 2 draughtsmen, at \$1,500.....	3,000 00	
For salary of 1 transcript clerk.....	1,500 00	
For incidental expenses, messenger, rent, fuel, lights, stationery, &c.....	1,500 00	
For mounting and binding maps and field notes.....	1,000 00	
		11,800 00
Total.....		57,600 00

ROSSELL H. MASON,
United States Surveyor General for Montana.

S.—Record of temperature at Helena, Mont., from August, 1878, to June, 1879, inclusive, taken at the office of the surveyor general for Montana.

Month.	Highest.	Lowest.	Mean.	Clear days.	Cloudy days.	Snowy days.	Rainy days.
August, 1878.....	94	51	70 $\frac{3}{4}$	28	2	.....	1
September, 1878.....	85	30	54 $\frac{3}{4}$	16	10	1	3
October, 1878.....	76	12	46 $\frac{3}{4}$	14	12	1	4
November, 1878.....	62	22	41 $\frac{3}{4}$	23	5	2	.....
December, 1878.....	52	0	27 $\frac{3}{4}$	9	15	7	.....
January, 1879.....	52	-12	23 $\frac{3}{4}$	23	5	3	.....
February, 1879.....	62	-11	26	19	4	5	.....
March, 1879.....	71	8	38 $\frac{3}{4}$	24	4	3	.....
April, 1879.....	70	27	49	16	13	.....	1
May, 1879.....	77	30	53 $\frac{3}{4}$	14	12	.....	5
June, 1879.....	80	43	59 $\frac{3}{4}$	12	5	.....	13
				198	87	22	27

Highest temperature from August, 1878, to June, 1879, inclusive 94°
 Lowest -11°
 Mean 44 $\frac{3}{4}$ °

ROSSELL H. MASON,
 United States Surveyor General for Montana.

J.—Report of the Surveyor General of Nebraska.

SURVEYOR GENERAL'S OFFICE,
 Plattsmouth, Nebr., August 30, 1879.

SIR: In compliance with the instructions contained in your circular letter of April 21, 1879, I have the honor to submit herewith (in duplicate) my annual report of surveying operations in this district for fiscal year ending June 30, 1879.

SURVEYS.

The surveys contracted for out of apportionment made to this district of general appropriation for public surveys, approved June 20, 1878, have been completed, except seven townships of subdivisions, contract No. 111, dated June 30, 1879. The deputies are now in the field executing this work.

OFFICE WORK.

The field notes of 254 miles, 58 chains, and 50 links of standard, and 964 miles, 72 chains, and 64 links of exterior township lines have been examined and approved, and diagrams (in duplicate) and transcripts of field notes made and transmitted to the department.

The field notes of 2,036 miles, 36 chains, and 66 links of subdivision lines have been examined and approved, and transcripts thereof and transcript plats (in triplicate) made and transmitted to the department.

Descriptive lists and plats of 34 townships have been transmitted to the proper local land office.

A large amount of miscellaneous office work has been done during the year.

PROPOSED SURVEYS.

The estimates for the surveying service in this district for fiscal year ending June 30, 1881, were transmitted July 9, 1879, in obedience to your instructions of April 21, 1879. The proposed surveys located in the extreme northern and western portions of the State embrace lands well watered and of excellent quality, and represented by my deputies as far superior for agricultural and grazing purposes to much of the land under cultivation in the more southern and easterly portions of the State.

There is already a large demand for land in this portion of the State, which is likely to be increased by the early construction of a railroad through this portion of Nebraska to the Black Hills.

The immigration to Nebraska has continued to be very large during the past year

and of an excellent class, as a rule, contributing greatly to the improvement of the State, to the development of its resources, and to its material wealth and prosperity.

The past year has been one of great success and encouragement to our people, crops being abundant, and facilities for getting our products into market rapidly increasing. Our railroads are reaching out into almost all settled portions of the State, and offering additional inducements to those seeking homes to occupy and improve our broad and fertile prairies.

APPROPRIATION FOR SURVEYS.

I would respectfully repeat the recommendation made by my predecessor in his last annual report, that, as an economical measure on the part of government, a sufficient appropriation be made next year to complete the public surveys in this district. The amount required upon an approximate estimate would not exceed \$115,000; and the surveys completed, and the records turned over to the State, as has been done in other districts, the expense of maintaining an office for the future would be saved to the government.

In conclusion, I have the honor to call your attention to following tabular statements accompanying this report:

A.—Statement showing condition of the public surveys under apportionment made to this district of appropriation for fiscal year 1879.

B.—Statement showing contracts entered into and condition of the public surveys under apportionment to this district of appropriation for fiscal year 1880, and under additional apportionment made June 11, 1879, of appropriation for fiscal year 1879.

C.—Statement showing the amount expended for salaries of surveyor general and clerks during fiscal year ending June 30, 1879.

D.—Statement showing amount expended for rent of office and other incidental expenses during fiscal year ending June 30, 1879.

E.—Statement showing the description of land area and number of miles for which duplicate plats and transcripts of field notes have been transmitted to the department. and triplicate plats and descriptive lists have been furnished to the local land-offices during fiscal year ending June 30, 1879.

F.—Statement showing the description and number of township plats and descriptive lists furnished the local land-offices during fiscal year ending June 30, 1879.

G.—Estimate of sums required for the extension of public surveys in Nebraska for fiscal year ending June 30, 1881.

H.—Estimate of sums required for office expenses for fiscal year ending June 30, 1881.

I.—Statement showing the names, duties, nativity, whence appointed, term of service, and rate of compensation per annum of persons employed in the surveyor general's office of the district of Nebraska during fiscal year ending June 30, 1879.

All of which is respectfully submitted.

GEO. S. SMITH,

Surveyor General District of Nebraska.

Hon. J. A. WILLIAMSON,

Commissioner of the General Land Office, Washington, D. C.

A.—Statement showing condition of public surveys under appropriation for field work for fiscal year ending June 30, 1879.

Name of contractor.	No. of contract.	Date.	Amount and locality.	Character of work and number of miles.			Cost per mile.	Total cost.	Amount of appropriation and deposit.	Condition of work.
				Standard.	Township.	Section.				
Stephenson, McElroy & Scott.	108	1878. July 25	<i>All north of base line and west of the sixth principal meridian.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>				
			Townships 27 and 28, ranges 30, 31, and 32; townships 29 and 30, ranges 33, 34, 35, 36, and 37; townships 29, 30, 31, and 32, ranges 30, 31, and 32; townships 33 and 34, range 32; townships 25, 26, 27, and 28, ranges, 33, 34, 35, 36, 37, 38, 39, and 40.	687 35 58	\$7	
Paul, Harvey & Stark-weather.	109	July 31	Offsets	1 09 61	6	Surveys completed and approved, and maps and transcripts transmitted.
			Townships 27 and 28, ranges 30 and 31; township 27, range 32; townships 25 and 30, ranges 33 and 34; townships 25 and 26, range 35; townships 25, 26, 29, and 30, range 36; townships 25 and 30, range 37; township 25, range 38; townships 25 and 26, range 39; and township 25, range 40.	.....	.....	1,261 61 10	6	\$11,689 41	.....
			Fifth guide meridian, from sixth to eighth standard parallel.	47 52 23	.....	.....	10	.....	.....
			Offsets	5 41	.....	.....	6	.....	.....
			Sixth guide meridian, from sixth standard parallel to north boundary of State.	62 71 35	.....	.....	10	.....	.....
			Offsets	9 51	.....	.....	6	.....	.....
			Seventh standard parallel from fourth to sixth guide meridian.	96 00 00	.....	.....	10	.....	.....
			Eighth standard parallel from fifth to sixth guide meridian.	48 00 00	.....	.....	10	.....	.....
			Townships 29, 30, 31, and 32, in ranges 41, 42, 43, 44, 45, 46, 47, and 48; townships 33, 34, and 35, in ranges 41 and 42; and township 33, in range 43.	.....	375 61 02	.....	7	.....	.....
			Offsets	.....	46 43	.....	6	.....	.....

Name of contractor.	No. of contract.	Date.	Amount and locality.	Character of work and number of miles.			Cost per mile.	Total cost.	Amount of appropriation and deposit.	Condition of work.
				Standard.	Township.	Section.				
			Townships 31, 32, and 33, in range 41; townships 31, 32, 33, and 34, in range 42; townships 31 and 33, in range 43; and townships 31 and 32, in ranges 44 and 45.	<i>M. chs. lks.</i> -----	<i>M. chs. lks.</i> -----	<i>M. chs. lks.</i> 774 55 56	\$6	\$9,828 56	-----	Surveys completed and approved, and maps and transcripts transmitted.
			Total number of miles	254 58 50	964 72 64	2,036 36 66				
By apportionment of appropriation for public surveys for fiscal year 1879.....									\$22,500 00	
By additional apportionment of appropriation for public surveys for fiscal year 1879.....									2,500 00	
By special deposit by Union Pacific and Burlington and Missouri River Railroad Companies for field work, from former years.....									282 98	
To unexpended balance of appropriation for fiscal year 1879.....									3,482 03	
To unexpended balance of special deposit of Union Pacific and Burlington and Missouri River Railroad Companies for field work.....									282 98	
Total									25,282 98	25,282 98

SURVEYOR GENERAL'S OFFICE, DISTRICT OF NEBRASKA,
Plattsmouth, Nebr., August 30, 1879.

GEO. S. SMITH,
Surveyor General.

B.—Statement showing the contracts entered into and condition of the public surveys under apportionment to this district of appropriation for fiscal year ending June 30, 1880, and under additional apportionment made June 11, 1879, of appropriation for fiscal year ending June 30, 1879.

Name of contractor.	No.	Date.	Character of work.	Amount and locality.	Estimated cost.	Amount of appropriation.		Condition of work.
Chapman, Stephenson & McElroy.	110	1879. Apr. 23	Exteriors	<i>All north of the base line and west of the sixth principal meridian.</i> Exteriors of townships 21, 22, 23, 24, 25, 26, 27, and 28, in ranges 41, 42, 43, 44, 45, 46, 47, and 48.	-----	By apportionment of appropriation made by Congress, approved March 3, 1879, for public surveys for fiscal year 1880.	\$15, 000	Field work completed, notes not returned.
			Subdivisions	The subdivision lines of fifteen townships embraced within above exterior lines and within district lying between the sixth and seventh standard parallels and fourth and fifth guide meridians; selections to be made by deputies when in the field.	\$10, 000	By additional apportionment made June 11, 1879, of appropriation for fiscal year 1879.	2, 500	
Paul & Starkweather ...	111	June 30	... do	The subdivision lines of seven townships within district lying between seventh and eighth standard parallels and fifth and sixth guide meridians; selections to be made by deputies when in the field. (Contract of fiscal year 1879.)	2, 500	-----	-----	Parties in the field.
Chapman, Stephenson & McElroy.	112	July 12	... do	The subdivision lines of nine townships within district lying between the fifth and seventh standard parallels and the fifth and sixth guide meridians; selections to be made by deputies when in the field. Balance uncontracted for, fiscal year 1880 ..	3, 000	-----	-----	Field work completed, notes not returned.
					2, 000	-----	-----	
					17, 500	-----	17, 500	

GEO. S. SMITH,
Surveyor General.

SURVEYOR GENERAL'S OFFICE, DISTRICT OF NEBRASKA,
Plattsmouth, Nebr., August 30, 1879.

C.—Statement showing the amount expended for salaries of surveyor general and clerks during fiscal year ending June 30, 1879.

1879.	By appropriation for compensation of surveyor general for fiscal year 1879.....	\$2,000 00	
	By appropriation for salary of clerks for fiscal year 1879 ..	3,000 00	
	By balance of special deposit for office work of Union Pacific Railroad Company, and Burlington and Missouri River Railroad Company, in Nebraska, from former years		9,799 35
Sept. 30, 1878.	To first quarter, ending September 30, 1878.	\$1,175 00	
Dec. 31, 1878.	To second quarter, ending December 31, 1878.	1,340 80	
March 31, 1879.	To third quarter, ending March 31, 1879....	1,308 32	
June 30, 1879.	To fourth quarter, ending June 30, 1879....	1,175 00	
	To balance of appropriation unexpended....	88	
	To balance special deposit unexpended	9,799 35	
Total		14,799 35	14,799 35

GEO. S. SMITH,
Surveyor General.

SURVEYOR GENERAL'S OFFICE, DISTRICT OF NEBRASKA,
Plattsmouth, Nebr., August 30, 1879.

D.—Statement showing the amount expended for rent of office and other incidental expenses and condition of account during fiscal year ending June 30, 1879.

1879.	By appropriation for rent of office and other incidental expenses for fiscal year 1879	\$1,500 00	
Sept. 30, 1878.	To first quarter, ending September 30, 1878..	\$457 25	
Dec. 31, 1878.	To second quarter, ending December 31, 1878.	415 40	
March 31, 1879.	To third quarter, ending March 31, 1879	350 30	
June 30, 1879.	To fourth quarter, ending June 30, 1879	277 05	
		1,500 00	1,500 00

GEO. S. SMITH,
Surveyor General.

SURVEYOR GENERAL'S OFFICE, DISTRICT OF NEBRASKA,
Plattsmouth, Nebr., August 30, 1879.

E.—Statement showing the description of land, area, and number of miles for which duplicate plats and transcripts of field notes have been transmitted to the department, and triplicate plats and descriptive list have been furnished to the local land offices, for fiscal year ending June 30, 1879.

Number of townships.	Description.		Number of acres.	Amount of survey.			Number of townships.	Description.		Number of acres.	Amount of survey.		
	Township north.	Range west.		Miles.	Chains.	Links.		Township north.	Range west.		Miles.	Chains.	Links.
1	27	30	22,974.68	59	69	52	18	25	38	23,045.47	60	01	34
2	28	30	23,118.18	60	77	38	19	25	39	23,046.64	60	00	28
3	27	31	23,033.65	59	79	86	20	26	39	23,077.43	60	07	79
4	28	31	23,201.55	60	66	86	21	25	40	23,195.08	60	19	54
5	27	32	22,966.19	59	68	85	22	31	41	23,087.87	60	07	20
6	25	33	23,037.16	60	01	51	23	32	41	21,711.49	58	47	47
7	30	33	22,925.04	59	70	07	24	33	41	23,047.72	60	01	94
8	25	34	23,032.00	59	70	02	25	31	42	22,887.94	59	64	95
9	30	34	23,009.65	59	77	84	26	32	42	21,565.59	58	28	10
10	35	35	22,983.96	59	71	72	27	33	42	23,052.43	60	01	65
11	26	35	23,038.48	59	79	12	28	34	42	23,029.50	60	00	71
12	25	36	23,131.02	60	12	00	29	31	43	22,939.80	59	69	65
13	26	36	23,071.20	60	01	65	30	33	43	23,005.21	59	75	51
14	29	36	23,019.74	59	74	79	31	31	44	23,110.19	60	07	62
15	30	36	23,052.94	60	00	09	32	32	44	22,138.12	58	79	80
16	25	37	23,066.51	60	05	05	33	31	45	22,950.01	59	70	58
17	30	37	23,028.10	59	76	82	34	32	45	22,183.59	59	00	38

GEO. S. SMITH,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
DISTRICT OF NEBRASKA,
Plattsmouth, Nebr., August, 1879.

F.—Statement showing the description and number of township maps and descriptive lists furnished the proper local land office for fiscal year ending June 30, 1879.

All north of the base line and west of sixth principal meridian.	When transmitted.	Number of plats.
To register of western land district: Townships 27 and 28, ranges 30 and 31; township 27, range 32; townships 25 and 30, ranges 33 and 34; townships 25 and 26, range 35; townships 25, 26, 29, and 30, range 36; townships 25 and 30, range 37; township 25, range 38; townships 25 and 26, range 39; township 25, range 40; townships 31, 32, and 33, range 41; townships 31, 32, 33, and 34, range 42; townships 31 and 33, range 43; townships 31 and 32, ranges 44 and 45	August 30, 1879...	34
Total number of plats		

Descriptive lists all transmitted with plats.

GEO. S. SMITH,
Surveyor General.

SURVEYOR-GENERAL'S OFFICE,
DISTRICT OF NEBRASKA,
Plattsmouth, Nebr., August 30, 1879.

G.—*Estimate of sums required for the extension of public surveys in the State of Nebraska, for the fiscal year ending June 30, 1881.*

All north of base line and west of sixth principal meridian.	Number of miles.	Rate per mile.	Amount.
<i>Standard lines.</i>			
Seventh guide meridian from sixth standard parallel to north boundary of State; the seventh and eighth standard parallels from the sixth guide meridian to the west boundary of State	172	\$12 00	\$2, 064
<i>Exterior lines.</i>			
Townships 25 to 35, ranges 49 to 57, inclusive, and townships 21 to 24, ranges 57 and 58.	873	10 00	8, 730
<i>Subdivision lines.</i>			
Ninety townships within above exterior lines and within district embraced between sixth and seventh guide meridians and fifth and sixth standard parallels, coming under classes of lands authorized to be surveyed as described in circular letter of the honorable Commissioner of the General Land Office, dated July 15, 1878	5, 400	7 00	37, 800
Total			48, 594

GEO. S. SMITH,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
DISTRICT OF NEBRASKA,
Plattsmouth, Nebr., July 9, 1879.

H.—*Estimate of sums required for office expenses for fiscal year ending June 30, 1881.*

Salary of surveyor general.....	\$2, 000
Salary of chief clerk	1, 600
Salary of principal draughtsman	1, 300
Salary of one assistant draughtsman.....	1, 200
Salary of two copyists, \$1,100 each.....	2, 200
Office rent, fuel, stationery, binding, &c., and messenger	3, 000
Total	11, 300

GEO. S. SMITH,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
DISTRICT OF NEBRASKA,
Plattsmouth, Nebr., July 9, 1879.

I.—*Statement showing the names, duties, nativity, whence appointed, term of service, and rate of compensation per annum of persons employed in the surveyor general's office of Nebraska during fiscal year ending June 30, 1879.*

Name.	Duty.	Nativity.	Whence appointed.	Term of service.	Salary per annum.
John R. Clark.....	Surveyor general..	Ohio	Nebraska .	January 1 to May 23, both inclusive.	\$2, 000
George S. Smith ...	do	Illinois.....	do	May 24 to June 30, both inclusive.	2, 000
Thomas Pollock ...	Chief clerk	Pennsylvania	do	Entire year	1, 500
Herman Smith.....	Principal draughtsman.	Germany.....	do	do	1, 200
Edgar D. Stone	Transcribing clerk	Michigan	do	November 1, 1878, to January 31, 1879, and March 15 to 31, 1879, inclusive.	1, 000
P. P. Gass	Messenger	Ohio	do	Entire year	720

GEO. S. SMITH, *Surveyor General.*

SURVEYOR GENERAL'S OFFICE,
DISTRICT OF NEBRASKA,
Plattsmouth, Nebr., August 30, 1879.

K.—Report of the surveyor general of Nevada.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Virginia City, Nev., August 12, 1879.

SIR: In compliance with your instructions of April 21, 1879, I have the honor to submit the following report in duplicate of the operations of this office during the fiscal year ending June 30, 1879, with accompanying statements relative to the surveying department.

A.—Statement of account of appropriation for compensation of the United States surveyor general for Nevada and employes in his office during the fiscal year ending June 30, 1879.

B.—Statement of account of appropriation for office work by special deposit of Central Pacific Railroad Company during the fiscal year ending June 30, 1879.

C.—Statement of account of appropriation for surveys by special deposit of Central Pacific Railroad Company during the fiscal year ending June 30, 1879.

D.—Statement of account of appropriation for surveys of public land approved March 3, 1877 (surveys completed during the fiscal year ending June 30, 1879).

E.—Statement of account of appropriation for surveys of public lands approved June 20, 1878, during the fiscal year ending June 30, 1879.

F.—Statement of account of appropriation for rent of office, fuel, books, stationery, and other incidental expenses, including pay of messenger, in the office of the United States surveyor general of Nevada during the fiscal year ending June 30, 1879.

G.—List of public lands surveyed and returned in the State of Nevada during the fiscal year ending June 30, 1879.

H.—Statement of special deposits with the sub-treasurer of the United States for the survey of mineral claims in the State of Nevada during the fiscal year ending June 30, 1879.

I.—List of mineral claims surveyed in the State of Nevada during the fiscal year ending June 30, 1879.

J.—Statement of contracts entered into by the United States surveyor general, with the number of miles surveyed, under the appropriation approved March 3 1877, contracts completed during the fiscal year ending June 30, 1879.

K.—Statement of contracts entered into by the United States surveyor general, with the number of miles surveyed, under the appropriation approved June 20, 1878, during the fiscal year ending June 30, 1879.

L.—Statement for the surveying service in the State of Nevada for the fiscal year ending June 30, 1881.

M.—Statement of plats made in the office of the United States surveyor general during the fiscal year ending June 30, 1879.

The operations of the surveying service in this district have been confined entirely to the survey of agricultural, grazing, and mineral lands. There was returned during the fiscal year ending June 30, 1879, 68 townships, embracing an area of 894,615.03 acres of agricultural and grazing lands, 28,719.87 acres of mineral land, 12,230.14 acres of United States Indian and military reserve lands, 2,847.30 acres of fresh-water lakes, 415,065.59 acres unfit for cultivation, making a total of 1,353,477.93 acres, together with 99 applications for patents to mineral claims, embracing an area of 1,095.85 acres, and one town site of 227 acres, making a grand total of area surveyed 1,354,846.78 acres.

MINERAL.

The mineral production for the past year has not been as flattering as was anticipated, and the product of bullion has not been as great for the year ending June 30, 1879, as heretofore. The districts of Eureka, White Pine, Ward, Austin, Belmont, Tuscarora, and Aurora are producing about the usual supply. The mining region in and about the Comstock has materially fallen off for several reasons. The opening up of the Bodie and Lake districts to the south of this place, and in California but a short distance from Aurora in this State, have not only attracted many of our most experienced mining men, but have diverted many millions of capital from this State, and the prospects for permanent paying mines are very flattering, both for Bodie and Lake, the travel to which goes through the Carson Valley.

The yield of bullion on the Comstock has materially fallen off. The Bonanza and other mines have been waiting the completion of the Sutro Tunnel drain before opening up their lower levels, as the water increased so fast it was necessary to stop the extraction of ore. The Sutro Tunnel drain now being ready to receive the water, the various mines have commenced pumping water into the same, and everything works successfully, and in the course of a few months the water will be so handled as to allow the Sierra Nevada and Ophir mines to develop the ore bodies known to exist in those mines without the fear of being flooded.

AGRICULTURAL.

There is very little to add to this branch of industry in addition to my former reports. The outlook is cheerful, and the crops are an average, notwithstanding the two last winters were the driest ever experienced in Nevada since its settlement; the fall of snow being unusually light, with continued cold weather and high winds almost to the present date.

I would beg leave again to state that the appropriation for contingent expense appropriated for this office for the last three years is insufficient for the proper discharge of the duties of the office. After paying rent, messenger's salary, and fuel, I have but a small sum left for stationery and other contingent expenses; and the creation of a deficiency in this account cannot be avoided. Three years since my rent was \$100 per month; I have in the mean time had the same reduced to \$60 per month, and can get no further reduction or a more suitable place for my records than I now have; and I earnestly recommend an increase from \$1,500 to \$2,500, to enable me to get such necessary supplies of stationery, books, &c., as the office is in need of. Also that Congress pass sufficient appropriation to enable me to liquidate the deficiencies of the office now outstanding.

Very respectfully, your obedient servant,

E. S. DAVIS,

United States Surveyor General, Nevada.

Hon. J. A. WILLIAMSON,

Commissioner of the General Land Office, Washington, D. C.

A.—Statement of account of appropriation for compensation of surveyor general and employees during fiscal year 1878 and 1879.

Dr.		Cr.	
To amount paid quarter ending September 30, 1878.....	\$1,364 36	By appropriation surveyor general...	\$2,500 00
To amount paid quarter ending December 31, 1878.....	1,450 00	By appropriation clerical force.....	3,000 00
To amount paid quarter ending March 31, 1879.....	1,320 80		
To amount paid quarter ending June 30, 1879.....	1,363 46		
Balance.....	1 38		
	5,500 00		5,500 00
		Balance July 1, 1879.....	1 38

B.—Statement of account of special deposit Central Pacific Railroad Company for office work.

Dr.		Cr.	
Quarter ending September 30, 1878, J. W. Parker.....	\$85 64	By deposit February 23, 1876, certificate No. 234.....	\$2,889 62
Quarter ending September 30, 1878, C. H. Sproule.....	50 00	By deposit February 23, 1876, certificate No. 233.....	3,366 45
Balance.....	6,357 04	By deposit February 26, 1877, certificate No. 191.....	235 61
	6,491 68		6,491 68
		Balance July 1, 1879.....	6,357 04

C.—Statement of account of special deposit for surveys by Central Pacific Railroad Company.

Dr.		Cr.	
Quarter ending September 30, 1878, A. Craven and J. E. Gignoux.....	\$1,558 34	By special deposit February 23, 1876, certificate No. 234.....	\$5,779 26
		By special deposit February 23, 1876, certificate No. 233.....	6,732 92
Balance.....	11,425 07	By special deposit February 26, 1877, certificate No. 191.....	471 23
	12,983 41		12,983 41
		Balance July 1, 1879.....	11,425 07

D.—Statement of account of appropriation for surveys of public lands in Nevada during 1878 and 1879.

DR.		CR.	
To amount paid quarter ending September 30, 1878.....	\$6,438 44	July 1, 1878. Balance of appropriation of March 3, 1877.....	\$12,371 29
To amount paid quarter ending December 31, 1878.....	3,418 02		
Balance.....	2,514 83		
	12,371 29		12,371 29
		Balance of appropriation of March 3, 1877, unexpended	2,514 83

E.—Statement of account of appropriation for surveys of public lands in Nevada during 1878 and 1879.

DR.		CR.	
To amount paid quarter ending March 31, 1879.....	\$6,579 42	By appropriation June 20, 1878 (surveys).....	\$12,000 00
To amount paid quarter ending June 30, 1879.....	3,773 51	By appropriation June 20, 1878, for timber lands	5,000 00
Balance.....	6,647 07		
	17,000 00		17,000 00
		By balance July 1, 1879.....	6,647 07

F.—Statement of account of appropriation for rent of office, fuel, books, stationery, and pay of messenger during 1878 and 1879.

DR.		CR.	
To amount paid quarter ending September 30, 1878.....	\$398 75	By appropriation June 20, 1878 (incidental).....	\$1,500 00
To amount paid quarter ending December 31, 1878.....	495 50		
To amount paid quarter ending March 31, 1879.....	450 25		
To amount paid quarter ending June 30, 1879.....	156 49		
Balance.....	01		
	1,500 00		1,500 00
		Balance July 1, 1879.....	01

G.—List of the lands surveyed in the State of Nevada during the fiscal year 1878 and 1879.

Townships.	Ranges.	Public land.	Mineral land.	Reservations.	Lakes.	Unsurveyed.	Total.
		<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
1 north.....	32 east....	21,227.26					21,227.26
2 north.....	32 east....	22,957.92					22,957.92
8 north.....	25 east....	23,089.64					23,089.64
9 north.....	24 east....	15,115.94				7,842.56	22,958.50
4 north.....	28 east....	10,347.92					10,347.92
4 north.....	29 east....	23,523.00					23,523.00
3 north.....	29 east....	9,874.29					9,874.29
3 north.....	30 east....	22,734.94					22,734.94
5 north.....	26 east....	120.83					120.83
5 north.....	27 east....	10,503.37	1,963.47				12,466.84
5 north.....	28 east....	18,849.12	4,262.93				23,112.05
5 north.....	29 east....	23,172.16					23,172.16
6 north.....	25 east....	661.53					661.53
6 north.....	26 east....	15,431.75					15,431.75
6 north.....	27 east....	14,283.39					14,283.39
34 north.....	52 east....	4,972.80				18,068.80	23,041.60
34 north.....	53 east....	5,279.20				17,760.00	23,039.20
34 north.....	54 east....	2,400.00				20,640.00	23,040.00
35 north.....	53 east....	5,763.35				17,282.56	23,045.91
35 north.....	54 east....	3,198.80				19,962.04	22,890.84
36 north.....	53 east....	5,760.00				17,280.00	23,040.00
36 north.....	54 east....	11,516.26				11,520.00	23,036.26
36 north.....	55 east....	1,612.40				21,449.16	23,061.56

G.—List of the lands surveyed in the State of Nevada, &c.—Continued.

Townships.	Ranges.	Public land.	Mineral land.	Reserva- tions.	Lakes.	Unsurveyed.	Total.
		<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
37 north.....	53 east....	1,280.00				21,714.40	22,994.40
37 north.....	54 east....	20,168.80				2,886.40	23,055.20
37 north.....	55 east....	4,623.44				18,386.84	23,010.28
16 north.....	61 east....	23,011.19					23,011.19
16 north.....	62 east....	11,512.80	11,497.23				23,010.03
16 north.....	63 east....	4,794.72	4,461.76				9,256.48
17 north.....	62 east....	21,338.87	1,583.24				22,922.11
17 north.....	63 east....	7,309.75					7,309.75
41 north.....	40 east....	6,157.31	2,720.00				8,877.31
42 north.....	40 east....	7,695.64	151.24			3,822.40	11,669.28
47 north.....	37 east....	12,009.52				10,941.08	22,950.60
47 north.....	38 east....	18,059.43		4,988.48			23,047.91
48 north.....	37 east....	1,246.80		36.00		424.91	1,707.71
48 north.....	38 east....	850.93		500.35			1,351.28
42 north.....	28 east....	4,322.40				18,706.88	23,029.28
40 north.....	19 east....	22,858.48			*27.59		22,886.07
40 north.....	20 east....	11,522.75				11,368.00	22,890.75
41 north.....	19 east....	22,709.44			†321.07		23,030.51
41 north.....	20 east....	23,035.59					23,025.59
41 north.....	21 east....	23,005.58					23,005.58
42 north.....	20 east....	22,905.61					22,995.61
20 north.....	24 east....	8,769.43		2,943.86		7,778.41	19,491.70
20 north.....	25 east....	20,287.11				2,294.20	22,581.31
22 north.....	21 east....	15,164.30				7,780.72	22,945.02
23 north.....	21 east....	6,826.85	2,080.00	3,761.45		10,309.28	22,977.58
13 north.....	69 east....	3,681.75				19,296.69	22,978.41
13 north.....	70 east....	22,972.43					22,972.43
14 north.....	69 east....	8,800.00				14,111.14	22,911.14
14 north.....	70 east....	22,911.14					22,911.14
24 north.....	49 east....	7,199.04				15,720.08	22,919.12
24 north.....	50 east....	15,555.29				7,360.00	22,915.29
24 north.....	51 east....	15,579.32				7,470.20	22,949.52
25 north.....	50 east....	19,959.27				2,975.88	22,935.15
25 north.....	51 east....	22,932.62					22,932.62
26 north.....	49 east....	23,382.12					23,382.12
26 north.....	50 east....	23,014.97					23,014.97
26 north.....	51 east....	23,042.18					23,042.18
27 north.....	51 east....	22,986.26					22,986.26
42 north.....	18 east....	3,051.43				15,273.24	18,324.67
43 north.....	18 east....	5,280.00				13,021.76	18,301.76
42 north.....	19 east....	22,611.54			408.35		23,019.89
43 north.....	19 east....	20,868.96			2,090.29		22,959.25
43 north.....	20 east....	10,800.27				12,172.40	22,972.67
45 north.....	25 east....	8,858.24				19,258.31	23,116.55
45 north.....	26 east....	2,685.62				20,457.25	23,142.87
Totals.....		894,615.03	28,719.87	12,230.14	2,847.30	415,065.59	1,353,477.93

* Boulder Lake.

† Central Lake.

RECAPITULATION.

	<i>Acres.</i>
Public lands	894,615.03
Mineral lands	28,719.87
United States reserves	12,230.14
Lakes	2,847.30
Unsurveyed	415,065.59
Total	1,353,477.93

H.—List of special deposits with the sub-Treasurer of the United States for mineral claims in Nevada during the fiscal year 1878-79.

Number of survey.	Depositor.	Lode.	Deputy.	Amount.
146	W. W. McCoy	Eureka Giant	T. J. Read	\$30
147	do	Tiger Lily	do	30
148	Albion Mining Company	Albion No. 1	do	30
149	do	Albion No. 2	do	30
150	do	Albion No. 3	do	30
151	do	Albion Consolidated	do	30
37	Richard Wittworth	Cow and Calf	G. B. Burbank	30
152	Valentine Fink	Eureka	T. J. Read	30
153	do	Keystone	do	30
154	do	Clipper	do	30
37 A & B.	Morey Mining Company	Bay State	George Earnst	30
38	do	Mount Airy	do	30
39	do	Cedar	do	30
40	do	American Eagle	do	30
41	do	Monetary	do	30
42	do	Little Giant	do	30
43	do	Peytona	do	30
44	do	Keyser	do	30
43	D. B. Pierce	Steptoe	A. V. Hoyt	30
37	J. F. McGrady	American Flag	R. M. Catlin	30
42 A & B.	D. B. Pierce	Pine Nut	A. V. Hoyt	30
44 A & B.	E. B. Millet	Alma and Mill Site	W. A. Aiken	30
155	M. H. Joseph <i>et al.</i>	Clipper	T. J. Read	30
156	Peter McGarry	Banner	do	30
38	A. J. Blair <i>et al.</i>	Red Cloud	O. K. Wescoatt	30
39	Hill Side Mining Company	Hill Side	do	30
162	N. Opher	Comstock	A. Craven	30
157	R. Sadler	Delaware	T. J. Read	30
41.	West Rapidan Mining Company	Rock Point	A. Craven	30
158	T. Gearhardt <i>et al.</i>	Ozark	T. J. Read	30
38	Humboldt Mining Company	Sheba	D. Van Lenep	30
39	do	do	do	30
40	do	do	do	30
161	Low Range Silver Mining Company	Brannon	A. Craven	30
38	P. Downey	Lookout	George Earnst	30
39	do	Alexandre	do	30
40 A & B.	do	Great Western	do	30
41	do	Domingo	do	30
42	do	Lizzie Downey	do	30
160	Richmond Mining Company	Silver Region	N. Wescoatt	30
65	T. Robinson	Centennial	T. J. Read	30
66	do	French	do	30
161	Richmond Mining Company	Victoria	N. Wescoatt	30
163	Mountain View	Mountain View	A. Craven	30
162	Prospect Hill Mining Company	Gore	T. J. Read	30
164	Shamo Mining Company	Spring Garden	A. Craven	30
57	Martin White	Governor	W. N. McGill	30
58	do	Grampus	do	30
166	Morning Star Mining Company	Morning Star No. 2	Gott Haist	30
50	Martin White	Jew Peter	W. N. McGill	15
165	Lyon Milling and Mining Company	Brunswick	I. E. James	30
167	Columbia Mining Company	Carmelita	Gott Haist	30
37	E. S. Stokes	Mountain Laurel	R. M. Catlin	30
163	Kit Carson Gold and Silver Mining Company	Kit Carson	T. J. Read	30
164	Charles Dehman <i>et al.</i>	Centennial	do	30
168	Margureta Mining Company	F. Marsano and Marsano	Gott Haist	30
135	J. Maxwell <i>et al.</i>	Tucker	A. Craven	30
95	Pioneer Mining Company	Grant	do	30
45 A & B.	Morey Mining Company	Black Diamond and mill site	George Earnst	30
37 A & B.	J. W. McDonnell	McDonnell	R. M. Catlin	30
165	Richmond Mining Company	Great Eastern	N. Wescoatt	30
169	Solid Silver Mining Company	Chalk Quartz	I. E. James	30
166	Eureka Mining and Smelting Company	Madrid	T. J. Read	30
42 & 37	John Shoenbar	Nil Desperandum	do	30
47 & 40	S. R. Palmer	May Be So	R. M. Catlin	30
170	Gold Lead Gold and Silver Mining Company	Gold Lead	Gott Haist	30
37	Indian Queen Mining Company	Indian Queen	D. H. Barker	30

H.—List of special deposits with the sub-Treasurer of the United States, &c.—Continued.

Number of survey.	Depositor.	Lode.	Deputy.	Amount.
38	J. Adams, jr	Durbrow	D. H. Barker	\$30
167 A & B.	Q. A. Stephenson	Green Seal and mill site ..	N. Wescoatt	30
168	T. J. Taylor	Whipporwill	T. J. Read	30
169 A & B.	do	Morris and mill site	do	30
170	J. McNaughton	Williams	do	30
171	do	McNaughton	do	30
172	J. Mendes <i>et al</i>	Silver Ring	do	30
173	G. W. Lamouroux	Hudson	do	30
171	Ophir Silver Mining Com- pany.	Comstock	L. F. J. Wrinkle	30
172	Aaron Hooper	East Europa	G. W. Garside	30
103	E. N. Robinson	Sweet Water	T. J. Read	30
173	Sheridan Mining Company ..	Lassen	A. Craven	30
174	Richmond Mining Company ..	Grand Central	N. Wescoatt	30
175	R. P. McDaniel	Bowman	T. J. Read	30
176	C. J. Lansing	Europa Consolidated	do	30
177	W. H. Stowell	Pioneer	do	30
178	do	Apache	do	30
180	J. Mendes <i>et al</i>	California	do	30
136	American Mining Company ..	Lyons	A. Craven	30
137	do	Leland	do	30
138	do	Vulcan	do	30
179	E. S. Davis	Manhattan	T. J. Read	30
181	Alex. Fraser <i>et al</i>	Excelsior	do	30
182	G. W. Cassidy	San José	do	30
67	J. F. Cecil <i>et al</i>	Carlisle No. 2	do	30
139 A & B.	Leo Mining Company	Leo	A. Craven	30
41	Bay State Mining Company ..	Chihuahua	T. J. Read	30
140	Silver Hill Mining Company ..	Lucerne	L. F. J. Wrinkle	30
183	Atlantic and Pacific	Lantern	T. J. Read	30
184	do	Welsh King	do	30
185	do	Sage Brush	do	30
186	do	East Oakland	do	30
	90 mining claims .....	.....	.....	2,955

I.—List of mineral claims surveyed in the State of Nevada during fiscal year 1878-79.

Number of survey.	Company.	Lode.	District.	County.	Township.	Acres.	Approval.
							1878.
146.	W. W. McCoy.	Eureka Giant	Eureka	Eureka	Unsurveyed	4. 59	July 1
147.	do	Tiger Lily	do	do	do	4. 49	July 1
148.	Albion Mining Company.	Albion No. 1	do	do	do	6. 57	July 2
149.	do	Albion No. 2	do	do	do	6. 57	July 3
150.	do	Albion No. 3	do	do	do	6. 57	July 3
151.	do	Albion Consolidated	do	do	do	6. 57	July 5
87.	R. Witworth	Cow and Calf	Ruby Hill	White Pine	do	4. 59	July 5
152.	V. Fink	Eureka	Eureka	do	do	1. 29	July 15
153.	do	Keystone	do	do	do	2. 42	July 16
154.	do	Clipper	do	do	do	4. 44	July 16
37 A & B.	Morey Mining Company	Bay State	Morey	Nye	do	17. 85	July 18
38.	do	Mount Airy	do	do	do	7. 22	July 19
39.	do	Cedar	do	do	do	7. 22	July 19
40.	do	American Eagle	do	do	do	9. 60	July 19
41.	do	Monetary	do	do	do	9. 18	July 19
42.	do	Little Giant	do	do	do	4. 33	July 20
43.	do	Peytona	do	do	do	11. 02	July 22
44.	do	Keyser	do	do	do	12. 95	July 22
43.	D. B. Pierce	Step toe	Cherry Creek	White Pine	do	8. 12	July 23
37.	J. F. McGrady	American Flag	Pilot's Peak	Elko	do	20. 66	July 29
42 A & B.	D. B. Pierce	Pine Nut	Cherry Creek	White Pine	do	23. 41	Aug. 2
44 A & B.	E. B. Millett	Alma	Schell Creek	do	do	25. 66	Aug. 5
155.	M. H. Joseph et al	Clipper	Eureka	Eureka	do	6. 89	Aug. 13
156.	P. McGarry	Banner	do	do	do	5. 44	Aug. 22
38.	A. J. Blair et al.	Red Cloud	Bristol	Lincoln	do	5. 50	Aug. 24
39.	Hill Side Mining Company	Hill Side	do	do	do	20. 66	Aug. 21
162.	N. Ophir	Comstock	Virginia	Storey	Township 17 north, range 21 east.	16. 53	Aug. 30
157.	R. Sadler	Delaware	Eureka	Eureka	Unsurveyed	3. 64	Aug. 31
41.	West Rapidan	Rock Point	Palmyra	Lyon	do	16. 53	Sept. 7
158.	T. Gearhardt	Ozark	Eureka	Eureka	do	6. 33	Sept. 10
38.	De Soto Mining Company.	Sheba	Star	Humboldt	do	29. 40	Sept. 23
39.	Heydenfeldt	do	do	do	do	12. 39	Sept. 23
40.	Woolcock	do	do	do	do	11. 01	Sept. 24
161.	Brannon Mining Company	Low Range	Virginia	Storey	Township 17 north, range 21 east.	6. 94	Sept. 25
38.	P. Downey	Lookout	Mammoth	Nye	Unsurveyed	19. 13	Oct. 1
39.	do	Alexandre	do	do	do	11. 26	Oct. 1
40 A & B.	do	Great Western	do	do	do	20. 42	Oct. 2
41.	do	Domingo	do	do	do	18. 27	Oct. 2
42.	do	Lizzie Downey	do	do	do	12. 70	Oct. 30
160.	Richmond Mining Company	Silver Region	Eureka	Eureka	do	5. 24	Oct. 3
65.	T. Robinson	Centennial	White Pine	White Pine	do	10. 33	Oct. 12
66.	do	Trench	do	do	do	8. 26	Oct. 11
161.	Richmond Mining Company	Victoria	Eureka	Eureka	do	6. 15	Oct. 12
163.	Mountain View	Mountain View	Virginia	Storey	Township 17 north, range 21 east.	7. 07	Oct. 15

I.—List of mineral claims surveyed in the State of Nevada during the fiscal year, 1878.—Continued.

Number of survey.	Company.	Lode.	District.	County.	Township.	Acres.	Approval.
							1878.
162	Prospect Hill	Gore	Eureka	Eureka	Unsurveyed	4.59	Oct. 15
164	Shamo Mining Company	Spring Garden	Virginia	Storey	Township 17 north, range 21 east.	6.75	Oct. 19
57	Governor Consolidated	Governor	Ward	White Pine	Township 14 north, range 63 east.	15.39	Oct. 21
58	do	Grampas	do	do	do	20.66	Oct. 21
166	Morning Star	Morning Star No. 2	Virginia	Storey	Township 17 north, range 21 east.	20.66	Oct. 23
59	Governor Consolidated	Jew Peter	Ward	White Pine	Township 14 north, range 63 east.	16.16	Oct. 25
165	Saint John's Mining Company	Brunswick	Silver Star	Storey	Township 17 north, range 21 east.	28.29	Oct. 26
167	Columbia Mining Company	Carmelita	Virginia	do	do	18.32	Nov. 4
87	Edward S. Stokes	Mount Laurel	Marselles	Elko	Unsurveyed	18.63	Nov. 6
163	Kit Carson	Kit Carson	Eureka	Eureka	do	3.27	Nov. 10
164	Charles Dehman <i>et al</i>	Centennial	do	do	do	6.89	Nov. 29
168	Margarita	F. Marsam	Virginia	Storey	Township 17 north, range 21 east.	24.79	Dec. 5
135	Yankee Mining Company	Tucker	Gold Hill	do	Township 16 north, range 21 east.	20.16	Dec. 6
95	Pioneer Mining Company	Grant	Virginia	do	Township 17 north, range 21 east.	20.66	Dec. 10
45 A & B.	Morey Mining Company	Black Diamond	Morey	Nye	Unsurveyed	12.48	Dec. 17
87 A & B.	J. W. McDonnell	McDonnell	Hicks	Elko	do	23.73	Dec. 19
							1879.
165	Richmond Mining Company	Great Eastern	Eureka	Eureka	do	6.89	Jan. 3
169	Solid Silver Mining Company	Chalk Quartz	Virginia	Storey	Township 17 north, range 21 east.	13.84	Jan. 14
166	Eureka Mining and Smelting Company.	Madrid	Eureka	Eureka	Unsurveyed	3.78	Jan. 15
42 & 37	J. Shoenbar	Nil Desperandum	Pinto	White Pine	do	24.81	Jan. 16
47 & 40	Tuscarora Consolidated	May Be So	Tuscarora	Elko	Townships 39 and 40 north, range 51 east.	15.28	Jan. 18
170	Gold Lead Mining Company	Gold Lead	Virginia	Storey	Township 17 north, range 21 east.	7.00	Jan. 21
37	Indian Queen	Indian Queen	Oneota	Esmeralda	Township 1 south, range 23 east.	2.29	Jan. 27
88	do	Durbrow	do	do	do	20.66	Jan. 27
167 A & B.	Q. A. Stephenson	Green Seal	Eureka	Eureka	Unsurveyed	7.75	Jan. 30
168	T. J. Taylor	Whippoorwill	do	do	do	2.75	Feb. 18
169 A & B.	do	Morris	do	do	do	8.45	Feb. 19
170	J. McNaughton	Williams	do	do	do	3.57	Feb. 25
171	do	McNaughton	do	do	do	90	Feb. 26
172	J. Mendes	Silver King	do	do	do	4.00	Feb. 27
173	G. W. Lamouroux	Hudson	do	do	do	2.75	Mar. 3
171	Ophir Silver Mining Company	Comstock	Virginia	Storey	Township 17 north, range 21 east.	51.28	Mar. 3
172	A. Hooper	East Europa	Gold Hill	do	do	7.00	Mar. 4
103	E. N. Robinson	Sweet Water	White Pine	White Pine	Unsurveyed	15.98	Mar. 5
173	Sheridan Mining Company	Lassen	Virginia	Storey	Township 17 north, range 21 east.	19.29	Mar. 10
174	Richmond Mining Company	Grand Central	Eureka	Eureka	Unsurveyed	2.95	Mar. 25
175	R. P. McDaniel	Bowman	do	do	do	4.59	Mar. 29
176	C. J. Lansing	Europa Consolidated	do	do	do	18.34	Mar. 29
177	W. H. Stowell <i>et al</i>	Pioneer	do	do	do	3.34	Mar. 31
178	do	Apache	do	do	do	1.13	Apr. 4

180.....	J. Mendes.....	California.....	do.....	do.....	do.....	2.17	Apr. 14
136.....	American Mining Company.....	Lyons.....	Devil's Gate.....	Lyons.....	Township 16 north, range 21 east.....	14.74	Apr. 16
137.....	do.....	Leland.....	do.....	do.....	do.....	22.35	Apr. 17
138.....	Vulcan Mining Company.....	Vulcan.....	do.....	do.....	do.....	20.38	Apr. 17
179.....	H. P. Stimbler.....	Manhattan.....	Eureka.....	Eureka.....	Unsurveyed.....	5.38	June 23
181.....	M. Hartnett.....	Excelsior.....	do.....	do.....	do.....	2.79	June 30
182.....	G. W. Casidy.....	San José.....	do.....	do.....	do.....	20	May 1
67.....	J. F. Cecil <i>et al.</i>	Carlisle No. 2.....	White Pine.....	White Pine.....	do.....	20.66	May 28
139 A & B.....	Leo Mining Company.....	Leo.....	Devil's Gate.....	Lyons.....	Township 16 north, range 21 east.....	8.41	May 29
41.....	Bay State Mining Company.....	Chihuahua.....	Newark.....	White Pine.....	Unsurveyed.....	7.35	June 9
140.....	Silver Hill Mining Company.....	Lucerne.....	Gold Hill.....	Storey.....	Township 16 north, range 21 east.....	10.64	June 21
183.....	Atlantic and Pacific.....	Lantern.....	Eureka.....	Eureka.....	Unsurveyed.....	5.65	June 25
184.....	do.....	Welsh King.....	do.....	do.....	do.....	3.67	June 25
185.....	do.....	Sage Brush.....	do.....	do.....	do.....	6.89	June 26
186.....	do.....	East Oakland.....	do.....	do.....	do.....	2.75	June 26
Total.....						1,091.85	

	Ninety-nine mining claims.....	Acres.
	Eureka town-site.....	1,091.85
		227.00
	Total.....	1,318.85

J.—Statement of contracts entered into by the United States surveyor general for Nevada under the appropriation of March 3, 1877, with the number of miles surveyed and returned during the fiscal year 1878-79.

Contract.		Deputy.	Work embraced in contracts and returned to this office.	Contract amount.	Base.	Standard.	Township.	Section.	Meanders.	Returned amount.	Date of transmittal.	Remarks.
No.	Date.											
78	1878. Feb. 12	Hatch, Barker, and Eaton.	Run, measure, and mark the Mount Diablo base line through ranges 32 and 33 east; also, the exterior boundaries and subdivision lines of townships 1 and 2 north, range 31 east; townships 2, 3, and 4 north, range 30 east, and townships 3, 4, and 5 north, range 29 east, and the subdivision lines in townships 3, 4, and 5, north, range 28 east; townships 4, 5, and 6 north, range 26 east, and township 6 north, range 25 east, of the Mount Diablo base and meridian.	\$8,000 00	Ms. chs. lks. 9 09 81	Ms. chs. lks.	Ms. chs. lks. 29 60 31 35 42 69 7 48 98	Ms. chs. lks. 97 37 91 176 69 72 240 63 78	Ms. chs. lks.	\$1,506 76 2,038 88 2,307 60	1878. July 3 Aug. 13 Oct. 18	Closed. Closed. Closed.
79	Apr. 29	A. Craven and J. E. Gignoux.	Run, measure, and mark all lines necessary to establish the seventh standard north through ranges 53, 54, and 55 east; also, the exterior and subdivision lines of townships 34 and 35 north, range 52 east; townships 34, 35, 36, and 37 north, ranges 53 and 54 east; townships 35, 36, and 37 north, range 55 east, Mount Diablo base and meridian.	*5,000 00	.....	11 00 00	38 40 32	196 37 57	.....	1,558 34	Sept. 5	Closed.
80	May 27	W. N. McGill ...	Run, measure, and mark all lines necessary to complete the exterior and subdivision lines in townships 16 and 17 north, range 63 east; also, to establish the exterior and subdivision lines in townships 16 and 17 north, range 62 east, and township 16 north, range 61 east, Mount Diablo base and meridian.	1,500 00	.....	.....	49 31 05	211 57 50	.....	1,616 02	Sept. 28	Closed.

81	May 30	E. L. Bridges....	Run, measure, and mark all lines necessary to establish the exterior and subdivision lines of townships 1 and 2 north, range 32 east, and township 8 north, ranges 24 and 25 east, and the subdivision lines in township 9 north, ranges 24 and 25 east, Mount Diablo base and meridian.	2,500 00	.....	.....	{	23 77 30 12 03 95	117 50 01 100 34 17	..... .....	1,393 06 1,110 42	July 19 Nov. 1	Closed. Closed.
Total				17,000 00	9 09 81	11 00 00	196 64 60	1,141 30 66	.....	11,531 08			

* Special deposit Central Pacific Railroad Company.

K.—Statement of contracts entered into by the United States surveyor general for Nevada, with the number of miles surveyed, during the fiscal year 1878-'79.

Contract.		Deputy.	Work embraced in contract and returned to this office.	Contract amount.	Standard.	Township.	Section.	Reserve.	Meanders.	Returned amount.	Date of transmittal.	Remarks.
No.	Date.											
82	1878. July 25	D. Van Lenep ...	Run, measure, and mark all lines necessary to establish the exterior boundaries and subdivision lines in townships 47 and 48 north, ranges 37 and 38 east, and the exterior and subdivision lines of township 42 north, range 41 east, and complete the subdivisions in townships 41 and 42 north, range 40 east, Mount Diablo base and meridian.	\$2,500 00	<i>Ms. chs. lks.</i>	<i>Ms. chs. lks.</i> 28 09 97	<i>Ms. chs. lks.</i> 128 74 18	<i>Ms. chs. lks.</i> 12 43 22	<i>Ms. chs. lks.</i>	\$1,030 16	1879. Jan. 2	Closed.
83	Sept. 20	W. N. McGill....	Run, measure, and mark all lines necessary to establish the exterior and subdivision lines of townships 13, 14, and 15 north, range 69 east, and townships 13, 14, and 15 north, range 70 east, and the second standard north, through ranges 68, 69, and 70 east, and range line between ranges 69 and 70 east, townships 11 and 12 north, Mount Diablo base and meridian.	1,500 00	18 38 00	55 73 69	158 04 43	.....	.....	1,524 52	Feb. 17	Do.
84	Oct. 4	Barker & Eaton.	Run, measure, and mark all lines necessary to establish the exterior and subdivision lines of townships 23 and 23 north, range 21 east, and the subdivision lines of township 20 north, range 25 east, and complete the subdivisions in township 20 north, range 24 east, of the Mount Diablo base and meridian.	1,200 00	.....	23 37 96	148 42 00	26 13 00	.....	1,212 43	Feb. 8	Do.
85	Oct. 29	G. W. Garside ...	Run, measure, and mark all lines necessary to establish the eighth standard north, through ranges 19, 20, 21, and 22 east; also, the exterior and subdivision lines of township 42 north, range 28 east; township 41 north, range 21 east; townships 40, 41, and 42 north, range 20 east; townships 40 and 41 north, range 19 east, of the Mount Diablo base and meridian.	3,000 00	24 00 00	70 26 27	349 12 41	.....	3 53 87	2,849 26	Jan. 22	Do.

86	1879. Jan. 6	Barker & Bridges	Run, measure, and mark the fifth standard north, through ranges 49, 50, and 51 east, and the exterior and subdivision lines of townships 24, 25, 26, and 27 north, range 51 east; townships 24, 25, and 26 north, range 50 east; townships 24 and 26 north, range 49 east; township 26 north, range 48 east, Mount Diablo base and meridian.	3,800 00	18 07 22	116 74 65	462 27 88	-----	-----	3,773 51	May 13	Do.
87	Mar. 26	G. W. Garside...	Run, measure, and mark all lines necessary to establish the exterior and subdivision lines of townships 42 and 43 north, range 18 east; townships 42 and 43 north, range 19 east; township 43 north, range 20 east, and township 45 north, ranges 25 and 26 east, Mount Diablo base and meridian.	1,550 00	-----	61 28 55	185 10 53	-----	11 27 79	1,608 35	July 2	Do.
Total				13,550 00	60 45 22	354 11 19	1,432 11 43	38 56 22	15 01 66	11,998 23		

L.—Statement of the surveying service in the district of Nevada, for the fiscal year ending June 30, 1881.

FOR SURVEYING.

For running 150 miles of standard and meridian, at \$10.....	\$1,500
For running 1,000 miles of township lines, at \$7.....	7,000
For running 2,500 miles subdivision lines, at \$6.....	15,000
Total for surveys.....	23,500

FOR SALARIES.

Salary for surveyor general.....	\$3,000
Salary for chief clerk.....	2,000
Salary for one clerk.....	1,500
Salary for draughtsman.....	1,500
Total for salaries.....	8,000

INCIDENTAL EXPENSES.

For rent of office.....	\$720
For salary of messenger.....	480
For fuel, books, stationery, &c.....	1,500
Total for incidentals.....	2,700

M.—Statement of plats made in the office of the United States surveyor general for the fiscal year ending June 30, 1879.

Description.	Original.	Department.	Registered.	Post on claims.	Total.
Extension township plats.....	10	10			20
Township plats.....	68	68	74		210
Mineral claims.....	99	99	101	105	403
Addition to State map.....	1				1
Sketches for deputies.....	2				2
Military department township plat.....	1				1
Map of mining districts.....	6	17	8		26
Sutro tunnel township plats.....		3			3
Indian reservation.....			1		1
United States district attorney, Indian reservation.....	1				1
Amended plats.....	6	6	6		18
Eureka town site.....	2	1	1		4
Total.....					690

L.—Report of the surveyor general of New Mexico.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, August 27, 1879.

SIR: In pursuance of instructions contained in your letter E, of April 21, 1879, I have the honor to herewith submit in duplicate my annual report of the operations of this office for the year ending June 30, 1879.

FIELD WORK.

There have been surveyed during the year, 33 miles 7 chains 73 links of guide meridian; 66 miles of standard parallel; 507 miles 8 chains 43 links of township exterior; 1,157 miles 49 chains 63 links of subdivisional lines; and 11 miles 79 chains 31 links of closings on parallels, in the prosecution of the public work; the aggregate cost of which was not ascertained at the close of the fiscal year, as the work had been returned but a short time previous, and the number of miles run is ascertained by calculation independent of the accounts for work done which are not made up.

Exhibit A shows the condition of the work done under the regular Congressional appropriation for public surveys for the year ending June 30, 1879, and Exhibit B shows the condition of surveys made under sections 2401 and 2402 Revised Statutes.

As the examination and platting of this work is incomplete, the total area embraced in the subdivisional lines cannot be given in this report, only so far as the office work was complete at the end of the fiscal year. (See Exhibit C.)

In addition to the public surveys, there have been surveyed 15 private land claims from the appropriation for that purpose. The field notes of these surveys have not all been examined, nor is the platting yet completed, hence a full statement of the number of miles surveyed cannot be given at date of this report; but Exhibit D embraces a list of the grants surveyed, number of miles of boundary run and cost of survey, so far as ascertained, together with the area embraced therein, which is 618,599.59 acres, exclusive of those grants whose area is not yet determined, as explained in the exhibit.

Exhibits A, B, C, and D show what work has been executed in the field, returned, examined, and forwarded, and the condition of that remaining in the office awaiting disposition.

Exhibits 1, 2, and 3 are given to complete Exhibits A, D, and K, respectively, of my annual report for the year ending June 30, 1878, and embrace only the incomplete portions of those exhibits for that year, the office work on which was unfinished at that date.

The public surveys were confined to lands embraced in the classification made by Congress and embracing settlements, and to such localities where settlers had deposited for surveys under sections 2401 and 2402 of the Revised Statutes.

The appropriations for surveys in this Territory have been entirely inadequate to meet the growing demands of settlers upon the public lands, and I trust that Congress may in the future pursue a more liberal policy in this respect, as the settlers as a rule are poor and unable to deposit the funds requisite for the survey of their lands, and they must necessarily await the regular extension of the lines of public surveys over the tracts claimed by them, leaving their boundary lines uncertain as to location, and delaying their acquisition of title under the various laws for that purpose.

MINING CLAIMS.

Exhibit E shows the number and condition of the several mining claims surveyed the past year. Exhibit F contains a list of mineral deputy surveyors in commission, all of whom have given the required bond of \$10,000, and the commissions of all former deputies who failed to give bond have been revoked.

DESERT LANDS.

There have been nine copies of declaratory statements covering unsurveyed lands, under the desert land act, filed in this office the past year, five of which being in the Santa Fé and four in the Messilla District.

OFFICE WORK.

It will appear from Exhibits 1 and 2 what field notes of surveys made under the contracts entered into during the fiscal year ending June 30, 1878, which were incomplete at date of my last report, have been examined and work dispatched during the past fiscal year, and Exhibits A, B, and D will show what field notes of surveys made under contracts entered into previous to the close of the past fiscal year have been returned, and the condition of the office work thereon, but a small portion of which has been dispatched on account of the press of other business and the small clerical force available. A considerable increase of the clerical force of this office is absolutely necessary, and my estimates therefor are as low as the necessities of the public service will permit.

The transcripts in triplicate and recording of all the proceedings had and evidence submitted in the investigation of grant cases involves a large amount of clerical labor, exclusive of the time and labor involved in taking the original evidence, as well as in the investigation of grant surveys where protests have been filed, and in addition to the other current business.

The field notes of the greater portion of the public and part of the grant surveys were, however, only filed in May, but the work will all soon be ready for transmittal. The current business of the office, which has been unusually large the past year, has been kept up as nearly as possible to date, but the old work in arrears for years past is in nearly the same condition as at the date of my last report, and I earnestly renew my recommendation of last year for an increased appropriation for clerk hire.

INCIDENTAL EXPENDITURES.

The condition of the appropriation for incidental expenses is shown by Exhibit I. The amount of the appropriation, including the amount collected for subrent of part of office building, was sufficient for the ordinary expenses of the office, but should

there be default in payment of such subrents, it would be impossible to keep the necessary expenses within the appropriation without interfering with the requisites for conducting the office.

I again call attention to the necessity of providing a safe for the deposit of the valuable archives of the office, and I also call attention to the deficiency of \$31.97 for pay for services of messenger from April 28 to June, 1878, referred to in my last report under the head of "incidental expenditures," and request that Congress be asked to appropriate the funds necessary for the payment of same.

PUBLIC LANDS.

The large acquisition to the population of the Territory the past year, a considerable portion of which have settled upon the public lands, has increased the applications for surveys of certain unsurveyed portions of the public domain in various sections, among which are the valleys of the San Juan, Las Animas, La Plata, Los Pinos, Piedra, Chusca, and other tributaries of the San Juan in the northwest; the Dry Cimarron, Currumpaw, Burra, Carrizo, Ute, Canadian, Revuella, and other streams in the northeastern section of the Territory; the Pecos and its tributaries in the southeast; the Lower Rio Grande, Gila, and their tributaries in the south and west. The speedy survey of these sections is demanded by the settlers, and public policy dictates that the lines of public surveys should be extended over them at an early day.

During the fiscal year ending June 30, 1878, the deputies, who desired the early dispatch of their work, had a considerable portion of the platting and transcribing done outside the office, in order to facilitate the payment of their survey accounts in order that they might be able to pay their men. I called attention to this matter in my last report, but no appropriation was made to reimburse these deputies for the money so expended, which amounts to about \$1,500.

This amount should in justice be refunded to the parties, and I renew the suggestion that Congress be solicited to appropriate that sum for the purpose indicated, as the government has received the benefit of the money so expended. Some action should be taken relative to the land grant to the Atlantic and Pacific Railroad, which has lapsed, and the lands embraced therein and withdrawn from market should be restored to market.

PRIVATE LAND CLAIMS.

Since my last report there have been two new claims filed, and testimony has been taken in a considerable number of other cases, in eight of which the testimony has been completed; and in six cases, viz:

- Reported No. 111, grant to Francisco Garcia, Santa Teresa tract;
- Reported No. 112, grant to José Tryillo, embracing files 117 and 118;
- Reported No. 113, grant to Juan B. Valdez, cañon de Pedernales tract;
- Reported No. 114, grant to Valentin Martin *et al.*, Santa Barbara tract;
- Reported No. 115, grant to Francisco A. Almazan Cieneguilla tract;
- Reported No. 116, grant to Antonio Martinez,

Opinions of approval have been rendered; and two cases have been rejected, viz:

Reported No 110, alleged grant to Severino and Antonio Martinez, San Cristobal tract;

Reported No. 117, alleged grant to Juan de Jesus Lucero.

Number 113 was reduced from 20 miles square, as claimed, to less than 1,000 acres.

The transcripts of these cases will be forwarded as soon as they can be prepared.

In the Uña de Gato case, referred to in my last report, a transcript of all the evidence taken and documents filed, together with my opinion, was forwarded with my letter of January 11 last. The Uña de Gato grant, in my opinion, is a forgery, and for a more specific and full explanation of the facts I refer to the testimony and report in the case.

In the matter of the alleged grant to Juan de Jesus Lucero, which will be reported as number 117, the Orejas del Llano de las Aguages tract, one of the cases referred to in my report of last year as rejected, was, upon application of the parties in interest for a rehearing, reopened, and more testimony was taken during 1878, but without changing my opinion relative to the fraudulent character of the grant. The tract claimed embraces over 200,000 acres, but the muniments of title are undoubtedly forgeries, and I believe were executed by the same person who forged the Uña de Gato grant. A transcript of the papers in the case will be forwarded in due time.

I beg to renew my recommendation, made in three previous reports, that Congress fix a limitation on the time for filing and prosecuting private land claims, and to provide that they should be barred thereafter; and I again earnestly urge the importance of providing some other safer and speedier method of adjudicating claims of this character, as the present method is unsatisfactory and unsafe both for the government and claimants. Judging from the light of experience, I am of the opinion that a reference of these cases for adjudication to the district courts of the respective dis-

tricts in which the lands may be situated would not be advisable, and while there are some arguments in favor of such a reference, I believe the results would not be as satisfactory as under the present system.

Some of the objections to that method are, that the court of adjudication should have direct and ready access to all the archives, it being frequently necessary, on account of the antiquity of the title papers, to introduce for purposes of comparison other original documents bearing the signatures of the same Spanish or Mexican officials whose signatures, or purported signatures, appear on the muniments of title in the case at bar, and the genuineness or unguineness of these title papers are frequently necessarily determined by such comparison where there are no living witnesses familiar with the signatures of such officials to prove or disprove the genuineness of the same.

The evidence of the abandonment or fraudulent character of a grant may exist among the archives in documents having no direct connection with the case at bar in one district, and the same document may embrace evidence of a similar character, or reverse, in another case pending in another district, and the document may be required in evidence in both district courts at the same time; or its existence may be known to one and unknown to the other, or may be unknown to either, unless direct and easy access to the entire archives can be had by the court. If these documents are sent back and forth from one district to another, or to and from the regular custodian of the same, they would be liable to be lost; and if distributed among the several judicial districts, the evidence of legality or illegality of the documents in some particular case might be on file in another district than the one in which it might be required in evidence in such particular case.

The investigations of this office the past year have demonstrated that some of these alleged grants are forgeries; and a comparison of the signature of the governor on the alleged title papers with the signature of such officer proven and accepted as genuine upon other documents in the archives and the judgment of experts thereon, is not unfrequently required to establish the character of the documents under consideration.

Unless the court before which these claims are adjudicated can have access to all of these archives it is much more liable to be imposed upon by fraudulent title papers.

It is not a difficult matter for witnesses to be obtained to swear to whatever may be deemed necessary to establish a claim if parties were so disposed, and the closest scrutiny and most careful investigation are absolutely essential in these cases. There are two methods that could safely be adopted in the adjudication of these cases, viz, by a commission appointed for that express purpose, similar to that of California, with like powers and right of appeal from their action; the other would be to continue the authority in the surveyor general, before whom all the testimony could be taken, and require the supreme court of the Territory, or United States court of the district, in case of a State, to review each case before it is transmitted to Congress for its action, with the right of appeal therefrom to the circuit and Supreme Courts of the United States; or, what would be better, have but one court of appellate jurisdiction. The surveyor general could continue to make these investigations as before, taking the testimony in writing, as under the present system, and his action in every case would be subject to review by the supreme court of the Territory or the United States district court of the State; which courts, having all the evidence before them, or accessible, could with facility dispose of the same without the duty imposed interfering materially with the other business of court; and if they required further testimony in any case they could remand it back to the surveyor general for that purpose.

If the authority is continued in the surveyor general to investigate these cases, he should be specifically empowered by law to issue compulsory process, punish for contempt, &c., and the United States district attorney should be required to appear on behalf of the government from the inception of the investigation.

If Congress will fix the limitation and provide some such mode of adjudication of these claims, as is herein suggested, they will be rapidly disposed of, and the titles in this Territory, now in such an unsettled condition, will be speedily adjusted.

The acquisitions to the population of New Mexico the ensuing year from immigration is estimated at not less than twenty thousand, and probably will exceed that, and it is all-important that these titles be adjusted without further delay and the lands embraced therein segregated from the public domain, so that the settlers upon the public lands may locate with some degree of confidence and certainty in eventually securing title to the lands settled upon by them.

Many of these grant title papers are doubtless still in the personal possession of the grantees or their descendants, and the particular location of the tract covered by them, as well as the land embraced by those claims on file but unadjudicated, is necessarily unknown. Individuals may locate on what is supposed to be public land, and after they have erected valuable buildings and improved the tract it may finally be ascertained to be embraced within the limits of a grant, and the labor and outlay of years is taken from the settler. Since the 1st of January last the extent of the claims rejected as fraudulent and reduced from the area claimed will approximate

very nearly, if it does not exceed, 1,000,000 acres, and where the government has such large interests involved and the property and improvements of settlers on the public lands are so much in jeopardy, it does seem as though Congress should give this matter prompt attention; and in providing for the adjudication of claims of this character the right of appeal to the several courts involves a great expense both to the government and claimants; and while there should be a court to review the proceedings of the commission or court having primary jurisdiction, in order to meet the demands of justice and as a safeguard against errors, yet to provide that all such cases may be appealed successively from court to court until the highest judicial tribunal is reached, would encumber the dockets and records of the various courts and render the proceedings tedious. I would suggest that an appeal be allowed from the court of original jurisdiction to some particular but higher tribunal, in order to simplify the proceedings and avoid the expense and delays incident to a final determination of a case where it must follow the course of ordinary civil cases.

Under existing laws there is no legal requirement that owners of grants shall file and prosecute their claims, and unless Congress prescribes some time within which they shall be filed and proven up, the present uncertain status of the soil as to ownership must remain undetermined. These grants are usually pastoral or agricultural, and the unqualified confirmation operates as a quitclaim on the part of the government to the mineral, which was never intended to be granted by either the Spanish or Mexican Governments, and the local Spanish or Mexican authorities had no power to grant the right to the mineral, as that was reserved as the property of the Crown, only subject to alienation by the supreme authority, and in a prescribed manner. Where the confirmation is unqualified, the government not only makes good the original title, but confers upon the claimant the additional right to the mineral. It is well known that the precious metals abound throughout this Territory, and nearly all of these grants doubtless contain more or less mineral. Although its existence may at this time, in particular cases, be unknown, yet the almost absolute certainty that it exists generally in the Territory should induce Congress to except the right to the mineral in the confirmation of these claims. I assume it to be the policy of the government to encourage the development of the mineral resources of the country, and to reap some benefits from the same in the increased consideration charged for lands of this character, as well as the indirect benefit derived by reason of the addition of the net products of the mines to the substantial wealth of the country. If the right to the mineral is vested in the grant claimants, the adventurous prospector, through whom these discoveries are usually made, has no incentive to prospect thereon, and the existence of rich mineral deposits may remain undiscovered and unknown.

The appointment of a commission to adjust these claims would involve some additional expense over the present method, but I believe, on the whole, it would be far more satisfactory, and certainly the magnitude of the interests involved, both to claimants and the government, would amply justify Congress in adopting this method for the settlement of private land claims in New Mexico, where such a considerable number yet remain to be adjudicated, and I hope that Congress will take early action in the premises.

AGRICULTURE—FRUIT AND STOCK RAISING.

The crops of last year were good throughout the Territory, and a largely increased acreage was sown over that of any previous year in its history; and, with the rapid influx of population, new and previously unexplored and uninhabited sections are being settled and subjected to cultivation.

The native wine product in the valley of the Rio Grande, in this Territory, alone, is reliably estimated at 240,000 gallons the past year, and in a few years that stream will be properly designated as the Rhine of America. Large crops of corn, wheat, apples, peaches, apricots, pears, and other fruits, were raised during the year.

The business of stock raising is most successfully and profitably engaged in, as no feeding is required during the winter season, the stock subsisting entirely upon the rich and nutritious grasses so abundant in the Territory. It is estimated that there are 500,000 head of cattle and 10,000,000 sheep in New Mexico.

MINERALS.

Since my last report the mining interests have been developed to a considerable extent, and new discoveries of gold and silver mines have been made in various portions of the Territory, among the most notable of which are at the Cerrillos, twenty miles southwest of Santa Fé; Hillsborough, in Doña Ana and Grant Counties; Fort Stanton, the Sandia and Manzano Mountains near Bernalillo, and Albuquerque, in Bernalillo County; near Taos, in Taos County, and the Moreno District, in Colfax County.

As predicted in my last report, the advent of railroads has given a decided impetus to the mining industry, through the introduction of capital and the prospect of cheap and ready transportation; but the industry is still in its infancy, as time, labor, and

capital are required to open up the resources of the Territory in that respect. The new discoveries near this ancient city are being developed slowly, but with confidence in their richness and permanency, arising from the fact that in the district are numerous old mines that were worked doubtless by the Spaniards not later than 1680, when the Indians expelled those adventurous people from the Territory. These old mines are reputed to be very rich, but as only one or two of the old shafts have been cleaned out, and those only down to the water level, but little is known of their value, except what may be gathered from the traditions of the past, handed down from generation to generation of the native population; but the fact is patent that an immense amount of labor has been expended on these old mines, and the conclusion is irresistible that they contain considerable quantities of rich mineral. Here, as well as in the Sandia and Socorra districts, are found carbonates similar to those of Leadville, although they occur in the fissure veins at the Cerrillos. Several hundred new prospect shafts have been and are being sunk, and the veins of ore invariably show well; but as the principal portion of the labor so far expended in the district has been confined to the completion of the assessment work, as required by law, but little substantial development has been accomplished, although the prospects are certainly very flattering for a permanent and well-paying district. There has been a considerable increase in the bullion produced over that of any previous year.

The gold mines in Colfax County continue to be successfully and profitably worked; also the mines in Grant County have given an increased yield of gold and silver.

Everywhere throughout the Territory the mining interest has received a new impetus, and it will be but a few years when New Mexico will rank among the first of the Territories in its product of the precious metals.

RAILROADS.

On the 4th of July, the Atchison, Topeka and Santa Fé extension, under the corporate name of the New Mexico and Southern Pacific Railroad, was completed to Las Vegas, in San Miguel County, and its line is being rapidly extended beyond that point in a southwesterly direction. It is intended to complete this road to Santo Domingo, on the Rio Grande, by the first of January next, and with the rapidity with which it is being constructed, it will probably be completed to the south line of the Territory before the expiration of the year 1880. The road is being constructed and equipped as first class, and will be one of the finest and most important thoroughfares on the continent when completed to the Pacific coast. The objective point of the road is understood to be Guaymas, Mexico, yet I am not aware that the western terminal point has been permanently located.

METEOROLOGICAL OBSERVATIONS.

I am indebted to Sergt. Max Frost, of the United States Signal Service, Santa Fé, for the following table, compiled from observations of the signal service at the various points named, for the year ending June 30, 1879:

Station.	Highest barometer.	Lowest barometer.	Highest thermometer.	Lowest thermometer.	Mean barometer.	Mean thermometer.	Mean humidity.	Total rainfall.
	<i>Inches.</i>	<i>Inches.</i>	<i>°</i>	<i>°</i>	<i>Inches.</i>	<i>°</i>	<i>Per ct.</i>	<i>Inches.</i>
Santa Fé.....	30.166	29.290	92	- 3	29.835	51.08	39.25	15.82
Mesilla.....	30.415	29.887	105	5	30.229	60.3	26.08	6.52
Silver City.....	30.970	29.387	96	11	30.366	56	44.6	22.98

For a statement of special deposits for surveys by settlers, expenditures for salaries incidentals, the condition of the several appropriations for this district for the fiscal year ending June 30, 1879, and estimates for the fiscal year ending June 30, 1881, I refer to exhibits G, H, I, K, and L, respectively.

ACCOMPANYING EXHIBITS.

- A.—Statement of public surveys executed under Congressional appropriation, and their cost.
- B.—Statement of public surveys under sections 2401 and 2402, and their cost.
- C.—List of surveyed townships, and contents in acres.

D.—List of private land claims surveyed during the fiscal year ending June 30, 1879.

E.—List of mining and mill site claims surveyed.

F.—List of mineral deputy surveyors.

G.—Statement of special deposits for surveys.

H.—Statement of expenditures on account of salaries.

I.—Expenditures for incidental purposes.

K.—Statement showing the condition of the several appropriations for the fiscal year ending June 30, 1879.

L.—Estimates for the ensuing fiscal year.

1.—Statement completing Exhibit A to last year's report.

2.—Statement completing Exhibit D to last year's report.

3.—Statement completing Exhibit K to last year's report.

Very respectfully, your obedient servant,

HENRY M. ATKINSON,
Surveyor General.

Hon. J. A. WILLIAMSON,
Commissioner of the General Land Office.

A.—Statement of public surveys made out of the regular appropriation for that purpose in the district of New Mexico, during the fiscal year ending June 30, 1879

Contract.		Contractor.	Character of survey.	Townships.	Ranges.	Surveyed.	Rate per mile.	Cost.	Remarks.	
No.	Date.									
87	Sept. 12, 1878	Sawyer & McBroom.	Third guide meridian east (S.)	Through 16, 17, 18, 19, 20.	Between 26 and 27 east.	<i>Mls. chs. lks.</i> 30 29 95	\$10	\$303 74	The account for this work not made up, and the number of miles for which maximum and minimum rates should be allowed, not yet ascertained.	
87	Sept. 12, 1878	do	Closing on parallel	16 south.	26 and 27 east	2 17	6	16		
87	Sept. 12, 1878	do	Fourth guide meridian east (N.)	32 north.	31 and 32 east	2 57 78	10	27 22		
87	Sept. 12, 1878	do	Closing on parallel	32 north.	31 and 32 east	14 05	6	1 05		
87	Sept. 12, 1878	do	Seventh correction line north.		Through 33, 34, 35, and 36.	24 00 00	10	240 00		
87	Sept. 12, 1878	do	Fourth correction line south.		Through 21, 22, 23, 24, 25, 26, 27 east.	42 00 00	10	420 00		
87	Sept. 12, 1878	do	Exteriors	29 and 30, 30 and 31, 31 and 32 north.	32, 33, 34, 35, 36 east.	507 08 43	{ 7 and 14 }	-----		
87	Sept. 12, 1878	do	do	25 and 26, 26 and 27, 27 and 28 north.	33, 34, 35, 36 east.					
87	Sept. 12, 1878	do	do	29, 30, 31, 32.	32, 33.					
87	Sept. 12, 1878	do	do	25 and 26, 27, 28, 29, 30, 31, and 32 north.	33 and 34, 34 and 35, 35 and 36, 36 and 37 east.					
87	Sept. 12, 1878	do	do	29 and 30 north.	26 east.					
87	Sept. 12, 1878	do	do	30 and 31 north.	26, 27, 28 east.					
87	Sept. 12, 1878	do	do	30 north.	26 and 27, 27 and 28 east.					
87	Sept. 12, 1878	do	do	16 and 17, 17 and 18, 18 and 19, 19 and 20 south.	25 and 26 east.					
87	Sept. 12, 1878	do	do	16, 17, 18, 19, and 20 south.	24 and 25, 25 and 26 east.					
87	Sept. 12, 1878	do	do	2 and 3.	26 east.					
87	Sept. 12, 1878	do	do	3 south.	26 and 27 east.					
87	Sept. 12, 1878	do	do	17 and 18 north.	10 east.					
87	Sept. 12, 1878	do	do	18 and 19 north.	10 east.					
87	Sept. 12, 1878	do	Closings			2 10 04	6	12 75		
87	Sept. 12, 1878	do	Subdivisional	20 south.	25 east.	195 29 60	6	1,172 22		Transmitted April 30.
87	Sept. 12, 1878	do	do	20 south.	26 east.					
87	Sept. 12, 1878	do	do	19 south.	26 east.					
87	Sept. 12, 1878	do	do	18 north.	9 east.					
87	Sept. 12, 1878	do	do	18 north.	10 east.					
87	Sept. 12, 1878	do	Closings			2 04 03	6	12 30		

SURVEYOR GENERAL'S OFFICE,
Santa Fe, N. Mex., August 27, 1879.

HENRY M. ATKINSON,
Surveyor General.

B.—Statement of public surveys made under the acts of Congress of May 30, 1862, and March 3, 1872, in the district of New Mexico, during the fiscal year ending June 30, 1879.

Contract.		Contractor.	Character of survey.	Townships.	Ranges.	Surveyed.	Rate per mile.	Cost.	Remarks.
No.	Date.								
	1878.					<i>Mls. chs. lks.</i>			
83	June 21	Jacob S. Taylor.....	Subdivisional.....	29 north.....	24 and 25 east.....	100 24 89	\$6 00	\$605 80	
83	June 21	.....do.....	Connections.....	.....	.....	52 37	6 00
84	Aug. 13	Charles Ackley.....	Subdivisional.....	Fractional 17 south.....	10 west.....	6 00 48	6 00	36 03	
88	Sept. 14	Jacob S. Taylor.....	.....do.....	24 north.....	28 east.....	60 24 14	6 00	
88	Sept. 14do.....do.....	30 north.....	24 east.....	30 71 44	6 00	1,544 85	{ Amount allowed, there being a deficiency of \$5.38 in the deposits.
88	Sept. 14	.....do.....	.....do.....	.....do.....	25 east.....	28 31 81	6 00
88	Sept. 14	.....do.....	.....do.....	.....do.....	.....do.....	31 40 00	10 00
88	Sept. 14	.....do.....	.....do.....	.....do.....	26 east.....	37 40 00	10 00
88	Sept. 14	.....do.....	.....do.....	.....do.....	.....do.....	22 38 39	6 00
88	Sept. 14	.....do.....	Connections.....	.....	.....	1 24 09	6 00
89	Nov. 23	Taylor & Shaw.....	Subdivisional.....	23 and 24 north.....	29 east.....	120 43 22	6 00	4,416 07	{ Amount allowed, there being a deficiency of \$11.81 in the deposits.
89	Nov. 23	.....do.....	.....do.....	28 and 29 north.....	30 east.....	119 46 82	6 00
89	Nov. 23	.....do.....	.....do.....	Part 30 north.....	.....do.....	17 20 00	10 00
89	Nov. 23	.....do.....	.....do.....	.....do.....	.....do.....	42 65 30	6 00
89	Nov. 23	.....do.....	.....do.....	29 and 30 north.....	31 east.....	120 07 55	6 00
89	Nov. 23	.....do.....	.....do.....	Part 31 north.....	32 east.....	27 20 00	10 00
89	Nov. 23do.....do.....do.....do.....	32 72 33	6 00	-	
89	Nov. 23	.....do.....	.....do.....	Part fractional 32 north.....	.....do.....	15 19 05	10 00
89	Nov. 23	.....do.....	.....do.....	.....do.....	.....do.....	10 76 96	6 00
89	Nov. 23	.....do.....	.....do.....	.....do.....	33 east.....	18 25 97	10 00
89	Nov. 23	.....do.....	.....do.....	.....do.....	.....do.....	7 54 63	6 00
89	Nov. 23	.....do.....	.....do.....	.....do.....	34 east.....	12 10 85	10 00
89	Nov. 23	.....do.....	.....do.....	.....do.....	.....do.....	13 78 81	6 00
89	Nov. 23	.....do.....	.....do.....	.....do.....	35 east.....	14 00 00	10 00
89	Nov. 23	.....do.....	.....do.....	.....do.....	.....do.....	11 74 02	6 00
89	Nov. 23	.....do.....	.....do.....	Part fractional 31 north.....	36 east.....	27 00 00	10 00
89	Nov. 23	.....do.....	.....do.....	.....do.....	.....do.....	32 73 37	6 00
89	Nov. 23	.....do.....	Connections.....	.....	.....	5 52 56	6 00
		Totals.....	969 69 05		6,602 75	

HENRY M. ATKINSON,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fe, N. Mex., August 27, 1879.

C.—List of surveyed townships and contents thereof in acres in the district of New Mexico at the close of the year ending June 30, 1879.

Whole number.	Township.	Range.	Grants embraced.	Reservations embraced.	Township area surveyed.	Plats transmitted.	Remarks.
			360, 015. 45	13, 960. 00	7, 862, 276. 94	.....	Totals June 30, 1878.
375	29 north...	24 east...	5, 943. 12	.....	15, 159. 61	Sept. 10	
376	29 north...	25 east...	.....	.....	23, 029. 04	Sept. 10	
377	24 north...	28 east...	.....	.....	23, 270. 99	Dec. 30	
378	30 north...	24 east...	9, 456. 00	.....	11, 811. 15	Dec. 30	
379	30 north...	25 east...	.....	.....	22, 959. 80	Dec. 30	
380	30 north...	26 east...	.....	.....	23, 047. 73	Dec. 30	
381	23 north...	29 east...	.....	.....	23, 023. 08	Mar. 24	
382	24 north...	29 east...	.....	.....	23, 423. 53	Mar. 24	
383	28 north...	30 east...	.....	.....	22, 991. 88	Mar. 24	
384	29 north...	30 east...	.....	.....	23, 025. 26	Mar. 24	
385	29 north...	31 east...	.....	.....	20, 005. 54	Mar. 24	
386	30 north...	30 east...	.....	.....	23, 042. 91	Mar. 24	
387	30 north...	31 east...	.....	.....	23, 105. 78	Mar. 24	
388	17 south...	10 west...	.....	.....	1, 927. 26	Mar. 31	Only arable portion surveyed.
389	31 north...	32 east...	.....	.....	23, 157. 57	Apr. 8	
390	31 north...	36 east...	.....	.....	23, 012. 06	Apr. 8	
391	32 north...	32 east...	.....	.....	10, 730. 64	Apr. 8	Adjoins Colorado boundary.
392	32 north...	33 east...	.....	.....	10, 750. 41	Apr. 8	Do.
393	32 north...	34 east...	.....	.....	10, 848. 59	Apr. 8	Do.
394	32 north...	35 east...	.....	.....	10, 685. 95	May 28	Do.
395	18 north...	9 east...	14, 002. 95	.....	1, 164. 51	May 28	Only the arable portion outside of grant surveyed.
396	18 north...	10 east...	17, 694. 98	.....	5, 345. 02	June 10	Do.
397	20 south...	25 east...	.....	.....	.....	.....	Not yet platted; hence area not ascertained.
398	20 south...	26 east...	.....	.....	.....	.....	Do.
399	18 south...	26 east...	.....	.....	.....	.....	Do.
	Total .....	.....	407, 112. 50	13, 960. 00	8, 237, 796. 15	.....

HENRY M. ATKINSON,
Surveyor General.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Santa Fé, N. Mex., August 27, 1879.

D.—Private land claims surveyed and under contract for survey in the district

Contract.		Claim surveyed.		Surveyors.	Surveyed.	Boundary.
No.	Date.	No.	Name.			
85	1878. Aug. 30	82	Salvador Gonzales.....	Robert G. Marmon..	Sept. and Oct., 1878.	M. O. L. 53 09 80
85	Aug. 30	84	Angostura	do	Oct. 1878	.....
85	Aug. 30	89	Talaya	do	Oct. 1878	6 27 46
85	Aug. 30	91	Town of Alameda	do	Sept. 1878	42 24 49
85	Aug. 30	98	Cañada de los Alamos	do	Apr. 1879	62 47 60
85	Aug. 30	106	Juan Otero	do	Mar. 1879	.....
86	Aug. 30	96	Ignacio Chaves <i>et al.</i>	Pradt & Watts	Sept. 1878 and Mar. 1879	86 49 02
86	Aug. 30	100	M. & S. Montoya	do	Mar. 1879	12 03 20
86	Aug. 30	104	Baltazar Baca & Sons	do	Oct. 1878	26 13 96
87	Sept. 12	7	Tecolote	Sawyer & McBroom.	.....	.....
87	Sept. 12	20	Las Vegas	do .....	.....	.....
87	Sept. 12	55	Encinas	do .....	.....	.....
87	Sept. 12	66	Nacimiento	do .....	.....	.....
87	Sept. 12	75	Juan Luis Ortiz	do .....	.....	.....
87	Sept. 12	87	Gaspar Ortiz	do .....	.....	.....
Total .....				.....	.....	289 15 53

SURVEYOR GENERAL'S OFFICE,
Santa Fé, N. Mex., August 27, 1879.

of New Mexico during and at the close of the fiscal year ending June 30, 1879.

Cost of survey.			Area, acres.	Survey, approved.	Work transmitted.	Remarks.
Field work.	Office work.	Total.				
\$852 18	\$89 67	\$941 85	103,959.31	1878. Nov. 25 1879. Apr. 25	1879. Feb. 22	Field notes awaiting correction.
106 01	28 85	134 86	1,003.55	Apr. 25	June 14	
679 18	45 83	725 01	106,274.87	1878. Dec. 31	Jan. 25	
1,009 31	70 05	1,079 36	148,862.94	1879. Apr. 25	June 14	Not prepared for transmittal.
1,385 80	53 57	1,439 37	243,036.43	Apr. 25 Apr. 21	June 7	
192 64	24 73	217 37	3,253.09	Apr. 21	June 7	
426 71	32 61	459 32	12,207.40	1878. Nov. 25	Nov. 30	Not yet examined or plotted. Do. Do. Do. Do. Do.
4,651 83	345 31	4,997 14	618,597.59			

HENRY M. ATKINSON,
Surveyor General.

E.—List of mineral and mill-site claims surveyed in the Territory of New Mexico during the year ending June 30, 1879, together with amounts of deposits for office work, amounts expended, &c.

Name of claim.	County.	Mining district.	Surveyed.	Surveyor.	Plat approved.	Field notes filed.	Deposit.	Cost of office work.	Refundable to depositors.	Remarks.
Aucheta mill site	Grant	Pinos Altas	Oct. 7, 1877	Charles Ackley ..	Oct. 5, 1878	.....	\$40 00	\$33 66	\$6 34	Resurvey.
Star of the West	do	Silver Flat	Aug. 14, 1878	do	Oct. 5, 1878	Aug. 23, 1878	40 00	33 66	6 34	Do.
Pacific	do	do	Aug. 15, 1878	do	Dec. 31, 1878	Aug. 23, 1878	40 00	29 48	10 52	Do.
Pacific South Extension	do	do	Aug. 16, 1878	do	Dec. 31, 1878	Aug. 23, 1878	40 00	33 56	6 44	No deposit.
Irenhoe	do	Santa Rita	May 22, 1878	do .....	.....	June 20, 1878	.....	.....	.....	Do.
San José Copper Mine	do	do	May 22, 1878	do .....	.....	June 20, 1878	.....	.....	.....	Notes defective.
Legal Tender	do	Silver Flat	May 2, 1877	do .....	.....	Dec. 7, 1877	40 00	.....	.....	No deposit.
Uncle Samuel	do	Mimbres	May 31, 1875	J. N. Louder .....	.....	Sept. 10, 1878	.....	.....	.....	Do.
Sandoval Green Mica Lode	Rio Arriba	Petaca	May 21 and 22, 1878.	William McMullen.	.....	Dec. 28, 1878	.....	.....	.....

HENRY M. ATKINSON,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fe, N. Mex., August 27, 1879.

F.—*Mineral deputy surveyors in commission under the mining act of May 10, 1872, in the district of New Mexico on June 30, 1879.*

Name.	Residence.	Date of commission.	Remarks.
George Taylor	Las Vegas, San Miguel County..	Dec. 18, 1878	Since resigned.
Robert G. Marmon	Laguna, Valencia County	Jan. 15, 1879	
Charles H. Fitch	Santa Fé, Santa Fé County	May 6, 1879	
John R. Fraser	Silver City, Grant County	June 12, 1879	

HENRY M. ATKINSON,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, N. Mex., August 27, 1879.

G.—Statement of special deposits made by settlers on the public lands for survey of townships in the Territory of New Mexico, under section 2401 Revised Statutes, during the year ending June 30, 1879.

Date of deposit.	No. of certificate.	Depositor.	Township.	Range.	For field work.	For office work.	Total deposits.	No. of contract.	By whom surveyed.	Date of survey.	Expenditure for field work.	Expenditure for office work.	Total expended.	Balance unexpended.	When transmitted.
1878.															
July 23	23	J. B. Wood	17 south	10 west	\$30 00	\$15 00	\$45 00	84	Charles Ackley	Nov., 1878	\$26 03	\$15 00	\$41 03	\$3 97	Mar. 31, 1879
Sept. 14	24	William L. Thompson	17 south	10 west	10 00	10 00	20 00			Nov., 1878	10 00	10 00	20 00	0 00	
14	25	Charles H. Howard	24 north	28 east	165 00	35 00	200 00			Oct., 1878	164 00	30 50	194 50	5 50	
14	26	James Larry	24 north	28 east	200 00	0 00	200 00			Oct., 1878	198 80	0 00	198 80	1 20	
14	27	Juan J. Chaves	30 north	24 east	165 00	35 00	200 00	88	Jacob S. Taylor	Oct., 1878	147 49	30 50	177 99	22 01	Dec. 28, 1879
14	28	Manuel Gutierrez	30 north	24 east	50 00	0 00	50 00			Oct., 1878	44 70	0 00	44 70	5 30	
14	29	John Smythe	30 north	25 east	160 00	40 00	200 00			Oct., 1878	160 00	34 75	194 75	5 25	
14	30	Austin Metham	30 north	25 east	100 00	0 00	100 00			Oct., 1878	100 00	0 00	100 00	0 00	
14	31	Thomas Stockton	30 north	25 east	100 00	0 00	100 00			Oct., 1878	100 00	0 00	100 00	0 00	
14	32	Mason T. Bowman	30 north	25 east	100 00	0 00	100 00			Oct., 1878	100 00	0 00	100 00	0 00	
14	33	Elijah Johnson	30 north	26 east	160 00	40 00	200 00			Oct., 1878	159 96	34 75	194 71	5 29	
14	34	James Hartsell	30 north	26 east	200 00	0 00	200 00			Oct., 1878	199 95	0 00	199 95	0 05	
Nov. 23	35	George Efferson	30 north	26 east	150 00	0 00	150 00			Jan., 1879	149 96	0 00	149 96	0 04	
23	36	Henry Richardson	23 north	29 east	165 00	35 00	200 00			Dec., 1878	162 75	35 00	197 75	2 25	
23	37	Luis Arias	23 north	29 east	200 00	0 00	200 00			Dec., 1878	197 27	0 00	197 27	2 73	
23	38	Jesus Chaves	24 north	29 east	165 00	35 00	200 00			Dec., 1878	164 93	35 00	199 93	0 07	
23	39	Newton Sharp	24 north	29 east	200 00	0 00	200 00			Dec., 1878	199 02	0 00	199 02	0 98	
23	40	Vicente Gallegos	28 north	30 east	165 00	35 00	200 00			Jan., 1879	163 84	35 00	198 84	1 16	
23	41	George B. Banks	28 north	30 east	200 00	0 00	200 00			Jan., 1879	198 59	0 00	198 59	1 41	
23	42	David G. Young	29 north	30 east	165 00	35 00	200 00			Jan., 1879	162 59	35 00	197 59	2 41	
23	43	Lewis A. Osborn	29 north	30 east	200 00	0 00	200 00			Jan., 1879	197 09	0 00	197 09	2 91	
23	44	Frederick D. Wight	30 north	30 east	165 00	35 00	200 00			Jan. and Feb., 1879	165 00	35 00	200 00	0 00	
23	45	Juan Telles	30 north	30 east	50 00	0 00	50 00			Jan., 1879	50 00	0 00	50 00	0 00	
23	46	William Williams	30 north	30 east	110 00	0 00	110 00			Jan., 1879	110 00	0 00	110 00	0 00	
23	47	Julian Duran	30 north	30 east	100 00	0 00	100 00			Jan., 1879	100 00	0 00	100 00	0 00	
23	48	Manuel Lopez	29 north	31 east	165 00	35 00	200 00			Feb., 1879	162 64	35 00	197 64	2 36	
23	49	John S. Hubbard	29 north	31 east	200 00	0 00	200 00			Feb., 1879	197 14	0 00	197 14	2 86	
23	50	Frederick J. Wight	30 north	31 east	165 00	35 00	200 00			Feb., 1879	163 09	35 00	198 01	1 99	
23	51	Antonio Torres	30 north	31 east	100 00	0 00	100 00	89	Taylor & Shaw	Feb., 1879	98 84	0 00	98 84	1 16	Apr. 8, 1879
23	52	Severo Lopez	30 north	31 east	100 00	0 00	100 00			Feb., 1879	98 84	0 00	98 84	1 16	
23	53	Joseph T. Harkey	31 north	32 east	165 00	35 00	200 00			Feb., 1879	165 00	35 00	200 00	0 00	
23	54	James N. Speaker	31 north	32 east	200 00	0 00	200 00			Jan., 1879	200 00	0 00	200 00	0 00	
23	55	John Younger	31 north	32 east	100 00	0 00	100 00			Jan., 1879	100 00	0 00	100 00	0 00	
23	56	Samuel W. Red	31 north	36 east	165 00	35 00	200 00			Jan., 1879	165 00	35 00	200 00	0 00	
23	57	Francis M. Pool	31 north	36 east	200 00	0 00	200 00			Jan., 1879	200 00	0 00	200 00	0 00	
23	58	Joel Peacock	31 north	36 east	100 00	0 00	100 00			Jan., 1879	100 00	0 00	100 00	0 00	

H.—Statement of expenditures for salaries in the office of surveyor general of New Mexico during the fiscal year ending June 30, 1879.

Fiscal quarter.	Name.	Position.	Salary.	Time.		Amount.	Remarks.
				From—	To—		
First	Henry M. Atkinson ..	Surveyor general	\$2,500 00	July 1	Sept. 30	\$625 00	
First	David J. Miller	Translator and chief clerk	2,000 00	July 1	Sept. 30	500 00	
First	John R. Wallingford ..	Draughtsman	1,500 00	July 1	Sept. 30	375 00	
First	Edward Webster	Clerk	1,500 00	July 1	Sept. 18	301 71	
First	Anuado Chaves	do	1,500 00	July 1	Aug. 24	224 23	
First	D. Perry Tipton	do	1,500 00	July 10	Sept. 30	338 32	
First	William White	do	1,500 00	July 1	Sept. 30	252 72	62 days' work in the quarter.
First	A. Z. Huggins	do	1,500 00	July 1	Sept. 30	124 32	30½ days' work in the quarter.
First	Eugene P. Black	do	1,500 00	July 1	Sept. 30	122 28	30 days' work in the quarter.
First	William S. Woodside ..	do	1,500 00	Sept. 5	Sept. 7	10 19	
Second	Henry M. Atkinson ..	Surveyor general	2,500 00	Oct. 1	Dec. 31	625 00	
Second	David J. Miller	Translator and chief clerk	2,000 00	Oct. 1	Dec. 31	500 00	
Second	John R. Wallingford ..	Draughtsman and clerk	1,500 00	Oct. 1	Dec. 31	375 00	
Second	D. Perry Tipton	do	1,500 00	Oct. 1	Dec. 31	375 00	
Third	Henry M. Atkinson ..	Surveyor general	2,500 00	Jan. 1	Mar. 31	625 00	
Third	David J. Miller	Translator and chief clerk	2,000 00	Jan. 1	Mar. 31	500 00	
Third	D. Perry Tipton	Draughtsman	1,500 00	Jan. 1	Mar. 31	375 00	
Third	John R. Wallingford ..	Clerk	1,500 00	Jan. 1	Mar. 31	375 00	
Fourth	Henry M. Atkinson ..	Surveyor general	2,500 00	Apr. 1	June 30	625 00	
Fourth	David J. Miller	Translator and chief clerk	2,000 00	Apr. 1	June 30	427 72	
Fourth	D. Perry Tipton	Draughtsman	1,300 00	Apr. 1	June 30	345 22	
Fourth	John R. Wallingford ..	Clerk	1,500 00	Apr. 1	June 30	375 00	
Fourth	Stephen D. Hathaway ..	do	1,500 00	June 6	June 30	103 02	
Total						8,499 73	

SURVEYOR GENERAL'S OFFICE,
Santa Fe, N. Mex., August 27, 1879.

HENRY M. ATKINSON,
Surveyor General.

I.—Statement of incidental expenditures in the office of surveyor general of New Mexico during the fiscal year ending June 30, 1879.

Fiscal quarter.	Name.	Consideration.	Time.		Amount.	Vouchers.
			From—	To—		
First	William Mailand	Messenger	July 1	Sept. 30	\$90 00	
First	Telesforo Jaramillo	Office rent	July 1	Sept. 30	120 00	
First	H. D. Hathaway	Blank books, &c	July 1	Sept. 30	79 07	
First	D. McClelland	Township plats			30 00	
First	Henry M. Atkinson	Sundries			154 20	1, 2, 3, 4, and 5.
Second	Joseph A. Davis	Messenger	Oct. 1	Dec. 31	96 00	
Second	Telesforo Jaramillo	Office rent	Oct. 1	Dec. 31	120 00	
Second	Seligman Bros	Fire wood			178 75	
Second	Henry M. Atkinson	Sundries			85 25	1, 2, 3, 4, 5, 6, 7.
Third	Joseph A. Davis	Messenger	Jan. 1	Mar. 31	90 00	
Third	Telesforo Jaramillo	Office rent	Jan. 1	Mar. 31	120 00	
Third	Solomon Spiegelberg	Office chairs			22 50	
Third	H. D. Hathaway	Blank field books			25 00	
Third	Henry M. Atkinson	Sundries			54 00	1, 2, 3.
Fourth	Joseph A. Davis	Messenger	Apr. 1	June 30	90 00	
Fourth	Telesforo Jaramillo	Office rent	Apr. 1	June 30	120 00	
Fourth	H. D. Hathaway	Blank field books			50 00	
Fourth	A. L. Bancroft & Co.	Law books			15 00	
Fourth	E. Andrews	Stationery			109 25	
Fourth	H. M. Atkinson	Sundries			92 78	1, 2, 3, 4, 5.
Total					1,735 80	
Congressional appropriation of 1878					1,500 00	
Receipts from subrent of part of office building					240 00	
Total receipts					1,740 00	
Total expenditures as above					1,735 80	
Reverting to the Treasury					4 20	

SURVEYOR GENERAL'S OFFICE,
Santa Fé, N. Mex., August 27, 1879.

HENRY M. ATKINSON,
Surveyor General.

K.—Statement showing the condition of the several appropriations for the surveying service in the district of New Mexico at the close of the fiscal year ending June 30, 1879.

Appropriations for—	Amount.	Expended and covered by contract.	Reverting.	Remarks.
Survey of public lands, act of June 20, 1872, and apportionment thereunder. (See letter E, Commissioner General Land Office of July 15, 1879.)	\$6,000 00	\$5,900 00	-----	Accounts for public surveys not all made, hence amount expended not ascertained.
Survey of public lands under sections 2401, 2402, Revised Statutes.	6,155 00	5,995 98	\$159 02	
Survey of private land claims. (See letter E, July 15, 1878, of Commissioner General Land Office.)	8,000 00	7,900 00	-----	Accounts for survey of private land claims amounting to \$4,538 43 transmitted, and amount expended for balance of work returned not yet ascertained.
Compensation of surveyor general, act June 19, 1878.	2,500 00	2,500 00	-----	
Compensation of clerks, act June 19, 1878.	6,000 00	5,999 73	27	
Compensation for office work from deposits, under sections 2401, 2402, Revised Statutes.	620 00	600 50	19 50	
Office rent, stationery, messenger, &c., act June 20, 1878. \$1,500	1,740 00	1,735 80	4 20	
Receipts from subrent of part of office building 240				

HENRY M. ATKINSON,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fe, N. Mex., August 27, 1879.

L.—Estimates of appropriations required for the surveying service in New Mexico for the fiscal year ending June 30, 1881.

Object of appropriation.	Amount.	Total.
ON SALARY ACCOUNT.		
Compensation of surveyor general.....	\$3, 000	\$14, 000
Compensation of translator and chief clerk.....	2, 000	
Compensation of two draughtsmen	8, 000	
Compensation of four clerks	6, 000	
ON SURVEYING ACCOUNT.		
Survey of base, meridian, standard, and subdivisional lines.....	80, 000	87, 725
Survey of confirmed and unconfirmed private land claims which have been favor- ably reported for congressional action, and office work	6, 000	
Survey of part of east boundary line of New Mexico (re-establishment of line) be- tween latitude 36° 30' and 37th parallel, from northwest corner Texas to northeast corner of New Mexico, 34½ miles, at \$50 per mile.....	1, 725	
ON CONTINGENT EXPENSE ACCOUNT.		
Map of New Mexico	1, 000	5, 500
Fire-proof safe for keeping grant title papers, and for office furniture	2, 500	
Stationery, messenger, and other necessary expenses	2, 000	
Total		107, 225

HENRY M. ATKINSON,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fe, N. Mex., August 27, 1879.

1.—Statement of public surveys made out of the regular appropriation for that purpose in the district of New Mexico during the fiscal year ending June 30, 1878, and which were incomplete at date of last annual report.

Contract.		Contractors.	Character of survey.	Townships.	Ranges.	Surveyed.			Rate per mile.	Cost.	Remarks.
No.	Date.					Miles.	Chains.	Links.			
77	1877. Aug. 9	Charles H. Fitch..	First correction line.	Between 5 and 6 south	Part of 3, all of 4 to 17, inclusive; part of 18, and all of 19 and 20 west.	104	15	00	19 miles 6.66 chains at \$16; 82 miles 8.34 chains at \$10.	\$2,298 91	
77	Aug. 9	do	Exteriors	4 and 5 south	Between 17 and 18 west	11	73	46	\$7; 6 miles at \$14		
77	Aug. 9	do	do	do	Between 18 and 19 west	12	00	00	6 miles at \$7; 8 miles at \$14.		
77	Aug. 9	do	do	Between 3 and 4 south and 4 and 5 south.	19 west	11	74	95	3 miles 74.95 chains at \$7; 7 miles at \$14.		
77	Aug. 9	do	do	4 and 5 south	Between 19 and 20 west	12	00	00	5 miles at \$7; 2 miles 65.34 chains at \$14.		
77	Aug. 9	do	do	Between 4 and 5 south	20 west	5	78	00	3 miles 12.66 chains at \$7; 4 miles at \$14.		
77	Aug. 9	do	do	5 south	Between 20 and 21 west	6	00	00	2 miles at \$7		
77	Aug. 9	do	Subdivisional	Fractional 29 north	11 west	26	01	96	\$6; 10 miles 39.30 chains at \$10.		
77	Aug. 9	do	do	Fractional 4 and 5 south.	19 west	17	79	12	7 miles 39.82 chains at \$6; 4 miles 39.05 chains at \$10.		
77	Aug. 9	do	do	Fractional 5 south	20 west	12	00	44	7 miles 40.49 chains at \$6.		
						220	02	93			

HENRY M. ATKINSON,
Surveyor General.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Santa Fe, N. Mex., August 27, 1879.

Q.—Private land claims surveyed under contract in the district of New Mexico during the fiscal

Contract.		Claims surveyed.		Surveyed by—	Date of survey.	Number of miles.
No.	Date.	No.	Name.			
76	1877. Aug. 8	67	Ana de Sandoval y Manzanares.	Sawyer and White....	Apr. & May, 1878	82 79 00
76	Aug. 8	79	Antonio Chaves	do	June, 1878	73 02 35
76	Aug. 8	95	Cevilleta, town of	do	Mar. & Apr., 1878	77 33 59
76	Aug. 8	107	Socorro, town of	do	Mar., 1878	146 22 08
77	Aug. 9	65	Juan de Gabaldon	Charles H. Fitch	July & Aug., 1878	23 31 63
77	Aug. 9	73	Pedro Martin	do	Nov., 1877	36 45 54
78	Aug. 10	53	Lorenzo Marquez	Stephen C. McElroy ..	Feb., 1877	21 59 04
78	Aug. 10	71	Francisco Salazar <i>et al.</i> ..	do	Apr. & May, 1878	99 51 96
79	Aug. 10	54	Bernardino de Sena	Griffin and McMullen ..	Oct., 1877	6 00 00
79	Aug. 10	56	Gotera	do	Nov., 1877	8 55 69
79	Aug. 10	63	Nicolas Ortiz	do	Nov., 1877	43 70 80
79	Aug. 10	77	Ojo Caliente	do	Sept. & Oct., 1877	31 15 89
79	Aug. 10	80	Juan de Mestas	do	May, 1878	7 58 36
79	Aug. 10	81	Cuyamungue, pueblo of ..	do	Nov., 1877	1 34 67
79	Aug. 10	92	Jacona	do	May, 1878	35 04 46
79	Aug. 10	93	Cañon del Rio Colorado ..	do	Oct., 1877	39 36 44
79	Aug. 10	105	Petaca	do	May, 1878	101 45 90
80	Aug. 10	6	Bracito	Elkins and Marmon ..	Mar., 1878	20 50 79
80	Aug. 10	15	Rincon del Rio Colorado ..	do	Sept. & Oct., 1877	224 41 63
80	Aug. 10	29	Antonchico, town of	do	June & July, 1878	94 17 85
80	Aug. 10	58	Rancho del Rio Grande ..	do	Nov., 1877	22 20 34
80	Aug. 10	61	Cebolla	do	Nov., 1877	40 66 31
80	Aug. 10	85	Doña Ana Bend	do	Mar., 1878	30 16 59
80	Aug. 10	86	Mesilla Colony	do	Mar., 1878	33 27 99
80	Aug. 10	90	Refugio Colony	do	Mar., 1878	90 61 70
80	Aug. 10	94	Vernal and Lopez	do	Oct. & Nov., 1877	37 21 68
80	Aug. 10	108	Vallecito de Lovato	do	June, 1878	
						1,400 12 28

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Santa Fé, N. Mex., August 27, 1879.

year ending June 30, 1878, the surveys of which were incomplete at date of last annual report.

Cost of survey.			Acres.	Survey approved.	Transmitted.	Remarks.
Field work.	Office work.	Total.				
\$847 80	\$57 07	\$904 87	89,403.40	Aug. 7, 1878	Aug. 8, 1878	
1,171 78	40 76	1,212 54	130,138.98	Aug. 12, 1878	Aug. 19, 1878	
1,243 77	52 09	1,296 76	224,770.13	Aug. 7, 1878	Aug. 8, 1878	
2,341 69	93 75	2,435 44	843,259.59	Aug. 7, 1878	Aug. 8, 1878	
381 66	44 84	426 50	11,619.56	Oct. 10, 1878	Nov. 22, 1878	
621 11	36 68	657 79	48,336.12	Aug. 17, 1878	Oct. 12, 1878	
355 71	49 45	405 16	13,706.02	Sept. 6, 1878	Sept. 9, 1878	
1,566 29	48 91	1,645 20	472,736.95	Sept. 4, 1878	Sept. 9, 1878	
97 91	40 00	137 91	1,086.30	.....	.....	Ready, but not yet transmitted.
141 93	45 00	186 93	2,571.00	.....	.....	To be resurveyed.
707 41	36 68	744 09	62,343.01	Oct. 10, 1878	Oct. 22, 1878	
499 67	40 76	540 43	38,590.20	Nov. 25, 1878	Dec. 2, 1878	
124 79	40 76	165 55	1,686.47	Sept. 3, 1878	Sept. 5, 1878	
23 94	20 00	43 94	36.00	.....	.....	Ready, but not yet transmitted.
561 76	36 68	598 44	46,341.48	Oct. 15, 1878	Oct. 22, 1878	
635 62	62 50	698 12	42,939.21	Jan. 25, 1879	Mar. 15, 1879	
1,379 98	81 52	1,461 50	186,977.11	Nov. 30, 1878	Dec. 14, 1878	
340 16	29 17	359 33	10,612.57	Apr. 5, 1879	Apr. 5, 1879	
3,599 96	126 36	3,726 32	1,714,764.94	Dec. 16, 1878	Dec. 20, 1878	
1,509 12	32 61	1,541 73	383,856.81	Apr. 23, 1879	Apr. 23, 1879	
389 26	57 07	446 33	17,159.57	Sept. 2, 1878	Oct. 16, 1878	
657 65	41 67	699 32	19,323.57	Apr. 5, 1879	Apr. 5, 1879	
483 31	44 84	528 15	33,960.33	Apr. 5, 1879	May 24, 1879	
562 10	33 33	595 43	26,130.19	Apr. 5, 1879	Apr. 5, 1879	
1,476 95	.....	1,476 95	.....	.....	.....	Indefinitely suspended.
596 33	40 76	637 09	114,400.54	Sept. 2, 1878	Oct. 3, 1878	
22,337 66	1,234 16	23,571 82	4,536,750.05	.....	.....	.....

HENRY M. ATKINSON,
Surveyor General.

3.—Statement showing the condition of the several appropriations for the surveying service in the district of New Mexico at the close of the fiscal year ending June 30, 1878, which was incomplete at date of last report.

Appropriation for—	Amount.	Expended.	Reverting.	Remarks.
Survey of public lands, act March 3, 1877, and apportionment of Commissioner. (See letter E, June 29; also of September 8 and October 30, 1877)	\$15,600 00	\$15,026 47	\$573 53	
Survey of public lands under acts May 30, 1862, and March 3, 1872, for years 1877 and 1878	3,150 00	2,946 24	203 76	Unexpended refunded depositors.
Survey of private land claims. (See Commissioner's letter E, June 29, 1877)	33,500 00	32,880 36	619 64	
Compensation of surveyor general, act March 3, 1877	2,500 00	2,500 00	.....
Compensation of clerks, act March 3, 1877	5,000 00	4,999 91	09	
Office rent, stationery, messengers, &c., act March 3, 1877, \$1,500; receipts from subrenting part of office building, \$240	1,740 00	1,739 82	18	
Receipts from deposits for office work, acts May 30, 1862, and March 3, 1872	415 00	327 49	87 51	Unexpended refunded depositors.

HENRY M. ATKINSON,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, N. Mex., August 27, 1879.

M.—Report of the surveyor general of Oregon.

OFFICE OF UNITED STATES SURVEYOR GENERAL,
Portland, Oreg., August 15, 1879.

SIR: In compliance with your request, dated April 21, 1879, I have the honor to herewith submit (in duplicate) the annual report of this office, relating to the surveying service in this district, for the fiscal year ending June 30, 1879, accompanied by tabular statements, as follows:

A.—Statement showing the condition of contracts not closed at date of last annual report.

B.—Statement showing the condition of contracts made under the appropriation of \$18,000 for the survey of agricultural land, for the fiscal year ending June 30, 1879.

C.—Statement of surveying contracts made under the appropriation of \$7,500 for the survey of "timber lands" in Oregon, during the fiscal year ending June 30, 1879.

D.—Statement of surveying contracts made under "special deposit," for the fiscal year ending June 30, 1879.

E1.—Statement of original plats of surveys made, and copies thereof submitted (which were omitted in report of 1878), for the year 1877–78.

E2.—Statement of original plats of surveys made, and copies transmitted since June 30, 1878.

F.—Statement of special deposits made to credit of the United States for surveys of public lands in the district of Oregon, during the fiscal year ending June 30, 1879.

G.—Statement of appropriation and expenditures for surveyor general of Oregon, and clerks in his office, for the fiscal year ending June 30, 1879.

H.—Statement of appropriation and expenditures for incidental expenses of office of surveyor general of Oregon, for the fiscal year ending June 30, 1879.

I.—Estimate of funds required for the surveying service in Oregon, for the fiscal year ending June 30, 1879.

No period within the recollection of myself, or of the most experienced deputy, has been more unfavorable for field work than has been that of the last fiscal year. It was unusually late in the season when the appropriation permitted the letting of contracts. By the time the deputies reached the field dense smokes from the annual forest fires were already encountered in all the regions west of the Cascade Mountains. These were very soon followed by dense fogs and storms of rain and wind, particularly upon the mountains, which much retarded operations in said districts, while in nearly all of Eastern Oregon Indian hostilities, in the summer and autumn of 1878, rendered it impossible for deputies to prosecute their work with any assurance of safety of life even, at least until the spring of 1879, when heavy storms there set in and continued to a much later period than was ever before known in this State, in fact continuing almost unceasingly, to the interruption of field work, down to the close of the fiscal year. For

these reasons I have, in many instances, been compelled to extend the time in which deputies were allowed to complete the work called for by their contracts, and, as shown in the tabular portion of this report, many have not finished their work; even some of those to whom I have been compelled to grant more than a single extension of time; but, with all these disadvantages and consequent delays, I have reason to believe that deputies have done all that could reasonably have been expected of them, and that the work of the year will be completed by them with all possible dispatch. The deputies alone have suffered by these unexpected delays, and the pecuniary loss cannot be charged to the government or this office. In the

DISTRIBUTION OF SURVEYS,

under the appropriation for the fiscal year just closed, the apportionment of \$18,000 for survey of a certain class of lands has been mostly applied upon the agricultural districts, in response to petitions of settlers and individual written requests, as far as it was possible to comply therewith, in all the various unsurveyed districts of this State. In order to do this I have necessarily divided the amount into small contracts.

The apportionment of \$7,500, allotted to the survey of "lands chiefly valuable for timber of commercial value, foreign or domestic," has been applied to the survey of tracts skirting the upper slopes of the Cascade Mountains and the breaks and spurs of the Blue Mountains, in regions where timber was constantly needed by tillers of adjacent valleys, and for other uses, confining the small allotment to known tracts most likely to be depredated upon—mostly lands of little or no value excepting for their timber.

"SPECIAL DEPOSIT" SURVEYS.

Surveys under the deposit law of Congress, approved May 30, 1862, have been mostly confined to townships embracing principally small valleys, in mountainous regions, which, at the time of the partial survey of those townships, were deemed unfit for settlement, and were consequently passed by. Though generally outside of any surveys, these valleys, rich in agricultural qualities, are being sought after by men of small means and border-life proclivities, and their connection with surveys already established is desired to secure title and prevent encroachments and depredations by greedy and unscrupulous speculators, which latter class is rapidly developing, in this land of plenty and attraction, under the stimulus of advancing civilization and refinement and the enhancing value of hitherto neglected domain.

The amended deposit law, approved March 3, 1879, is generally well received, by homestead and pre-emption claimants, and, it is believed, will very much facilitate the extension of most needed surveys, and that it will make up, to a considerable extent, the lack of adequate annual appropriations for that purpose. I will suggest, however, that it would have been much more satisfactory for the certificates to have been made receivable in payment for any public lands subject to cash entry under existing laws, instead of limiting their availability to the purchase only of homestead and pre-emption claims. Before its deposit, the money would have purchased coal, timber, desert or any other lands belonging to government; then why limit the purchasing power of the money simply because it has assumed the form of a certificate? I would recommend that the deposit law be further amended so as to make the certificates receivable in payment for any class of public lands subject to cash entry under existing laws, limited only by the existing restrictions as to quantity and price now allowed to one individual.

TOPOGRAPHY OF THIS DISTRICT.

The State of Oregon contains about 60,000,000 acres of land, of which not less than 45,000,000 are available for agricultural purposes, a large area of which, if not already occupied, will soon be in demand. In fact, there are but few townships within the arable area which do not already contain a greater or less number of settlers, all of whom have made locations therein and begun the improvements necessary for permanent homes. Owing to the peculiar topography of this district, and the varied tastes exhibited by the earlier locators, the surveys of that period, endeavoring to reach or keep pace with the constantly widening and scattering settlements, were extended from all the cardinal points, and in very irregular form, until now the standard and meridian lines have crossed the State in more or less completed form, with large intervening tracts of unsubdivided lands, which are now being located upon, and from which settlers are clamoring for surveys in increased numbers every year. So far, less than one-third of this vast area has been surveyed in a sufficiently complete manner to enable settlers to obtain titles from the Government.

The country west of the Cascade Mountains consists mainly of river and creek bottoms, separated by low ranges of broken down, heavily timbered mountain spurs, obstructed by fallen timber in very many places caused by annual fires, and where not annually burned, is always thickly set with every variety of undergrowth indigenous to this warm and humid climate. Much the greater portion of this land is first-class agricultural land, needing only preparation for the plow, and is now much more

sought after than in former years by persons who have the courage and patience to redeem it.

A small portion of Southwestern Oregon is quite mountainous, and is mostly adapted to mining and grazing. The area of this class, however, is comparatively small, and generally contains sufficient arable tracts to furnish supplies of garden products for local use.

That portion of the district east of the Cascade range and north of the Blue Mountains, generally known as Northeastern Oregon, consists principally of high, rolling table lands, with occasional river and creek bottoms, and, with the exception of the eastern and northern slopes of the mountain ranges mentioned, is scarce of timber. It comprises an area of generally arable land of about 40 by 80 miles in extent, is rapidly settling up in the more eligible locations, and is certain, in the near future, to become a vast wheat-growing region. Where, but a few years ago, only the Indian or the trapper found inducement to remain, is now the scene of busy activity and great attraction. It is in this region that timber is now in most demand, and dependence is upon the adjacent mountains. There they can cut and saw timber for rails and lumber and draw or raft it to the farms below, and it is here that timber depredations have been most frequent. The land has mostly remained unsurveyed where the timber grows, and the citizens could not purchase it, or procure the use of it, even by the payment of "stumpage"; but they felt that they must have timber. I have devoted the greater portion of the \$7,500 appropriation to this region. Where the land is of worth after the timber has been removed, I have endeavored to run only exteriors, in anticipation of settlers making deposit for subdividing after the exhaustion thus of the \$18,000 appropriation. To obtain accurate information in this respect has been next thing to an impossibility—even by subdividing—the surface of many townships appearing worthless as viewed from exterior lines, sometimes a rectangle of bare exterior lines inclosing many sections of good timber and poor soil, with here and there a fraction of good land and no timber, all of which is in demand and will be taken up soon for one purpose or the other.

The central portion of Eastern Oregon is mainly mountainous, with occasional valleys and water courses adapted to settlement and utility. This tract is bounded on the north by the Blue Mountains, on the west by the Cascade Range (the latter extending entirely through the State from north to south), on the east by Snake River, and on the south by the spurs and buttes of the Cascade and other ranges of mountains, embracing a tract of country near 150 miles square. Although mainly devoted to mining at this time, there are yet large tracts of this district that are good arable land, and which will, in the course of time, be surveyed and taken up by settlers. At this time it is so far removed from market that it affords little attraction to other than stock raisers and miners, excepting a narrow strip along the one overland thoroughfare.

Southeastern Oregon comprises about one-fourth the entire area of the State, and is mainly adapted for grazing. It is here that are annually reared and fattened the bees which furnish the markets of California, Utah, Nevada, and most of Southern Oregon. There are numerous small valleys, however, which are of most excellent agricultural quality, and will be more than sufficient for all time to furnish the local demand for produce. This portion of the country is composed principally of vast grassy plains, interspersed with low wooded hills and thickly set with beautiful lakes. Scattered over it are some marshes and swamps, many of which are susceptible of easy reclamation, and when once redeemed will add that much to the already abundant meadow land. There are no extensive belts of arid land in Oregon, only at long intervals small tracts of desert, and these generally reclaimable. Such tracts as could be thought worthy of the name exist only in the imagination of those really unacquainted with the country.

THE SURVEYS.

This State is checkered almost all over with surveys executed in accordance with the rectangular system of land parceling—a system well understood by the commonest pioneer, and accepted as satisfactory by all who are directly interested in the occupancy and development of the country. The cloth having been marked out and the garment mainly cut out, it is difficult to perceive how it is to be altered and finished up on any other than the original plan—at least to do so and not create innovating confusion among those who are most directly interested and most liable to injury by a change.

THE LAW AND INSTRUCTIONS,

as now in force, are, in some particulars, found very difficult to reduce to practice. For instance, the law contemplates the survey of a certain class of lands only, while the instructions state that class *not* surveyable under the law. The surveyor general is required to not let contracts for the survey of non-surveyable lands. He is also required to select the class of lands to be surveyed, which duty he must perform from his own personal knowledge thereof, or from information derived from settlers. It matters not how well a surveyor general may be acquainted with the general topography of his district, it cannot be expected that he can make intelligent selections in a vast region of country known to consist of alternate tracts of arable and unarable

lands, traversed by mountain ranges and set with lakes and swamps at undetermined intervals, as is the case with the sparsely settled regions of much of Eastern Oregon, and find any time to devote to the desk duties of his office. To rely upon information from the widely distributed settlers of such a country, or, for that matter, of any country, has been found to be a very unreliable method. It is frequently the case that the settler is found to have located upon the western portion of a township (when his locality has been determined by surrounding surveys), and may occupy the only really arable tract within miles of him in that township. Of course he desires the survey to embrace his land, and will assume all that is necessary to secure that object. He cannot be reached in the legal way by a fractional survey, and that portion necessary to survey to reach him is forbidden by law to be surveyed; or several settlers may occupy a quarter section each in a township, miles apart, on what constitutes the only arable portion in that region, and their judgment of the whole township is bounded by their own interests. The oath of the deputy and his instructions both prohibit him from affording them relief.

It frequently occurs that after a contract has been let upon the best information obtainable, the deputy, upon arrival upon the ground, finds his work to be located upon unsurveyable tracts, to a greater or less extent. He is thus subjected to an unforeseen hardship, the direct result of an unnecessary restriction in the terms of his contract. As it now exists, this restriction works injustice to all parties, and could easily be avoided. There is scarcely a township in this district which does not contain a greater or lesser area of arable land, though that portion may be but a moiety or less, while the remainder is generally of that character which would be marketable for some purpose in reasonable time. As a conscientious man, the deputy omits the restricted township, though it may be only partly unsurveyable, under instructions, and at his own expense, finds himself compelled to support his corps of assistants in the field until a substitution can be effected, or abandon that portion of his work. He may be even compelled to resort to means outside of his contract-work to sustain himself in the interim. Settlements have extended so rapidly in some portions of this district within the past few years that deputies have this year sometimes found themselves a hundred miles or more in advance of postal facilities, and from four to six hundred miles from this office by the nearest traveled routes. He must, however, procure the consent of his sureties and then await authority from the surveyor general, before he can secure a substitution and proceed with the completion of his work. This may, as it has already done, involve weeks of valuable time and hundreds of miles of monotonous and expensive travel, on horseback or by stage. I think this should be in some way avoided, in justice to all parties, and to that end suggest and recommend that it be made a provision of each contract that, in case any portion of the lands enumerated therein shall be found to be by law unsurveyable, that the deputy be required to substitute surveyable lands therefor, taking care to ascertain and give preference where possible, to the wants of settlers on lands the nearest adjacent to those eliminated; that he immediately notify the surveyor-general of his district or the lands omitted and those substituted therefor, under his oath, and be permitted to proceed without further delay. The consent of sureties to such change may be also made a condition of the bond and contract in the original understanding between them and the deputy. By the proposed method the work must evidently proceed with greater rapidity and increased satisfaction, and with less inducement for a deputy to act dishonestly or even deceptively. The time then necessarily spent in effecting a substitution will be trifling in comparison with the annoyances under the present system.

Another objectionable and easily remedied feature of the present system of contracting is the requiring of deputies appearing in person at this office to execute their contracts and furnish sureties. In many instances during the past season deputies have performed journeys for that purpose alone on horseback, by stage and by rail, at considerable expense, of from 150 to 500 miles. I was then obliged to be personally acquainted with their sureties, as the greater portion of the deputies reside far from and are strangers here and cannot always procure sureties here. Even then I would not feel myself as competent to judge of the financial responsibility of sureties proposed as I would prefer to be. I would therefore suggest that the sureties in such cases be allowed approval by the sworn officials of the counties wherein they reside. The clerks of the courts in each county are more able, from personal acquaintance and the tax and judgment rolls of their offices, to judge of sureties' responsibilities than I could hope to be from mere personal acquaintance; and those officers certify under oath, and carry seals as well as myself. To procure deputies here to go so far as some of the remote unsurveyed districts now are from this office, on contracts so necessarily small, is simply impossible. To ask deputies to come here, is simply subjecting them to an unnecessary expense, labor, and consumption of time.

MINERAL SURVEYS.

The mining interests of Oregon are assuming an importance and permanent assurance of profit not heretofore exhibited. Gravel mining is being extensively prosecuted

in some districts with the aid of the most approved and extensive machinery, although the past year only has been witness to their general introduction. A new era has undoubtedly dawned upon that industry in this State. The existence in Southern and Middle Eastern Oregon of immense deposits of auriferous gravel has long been known; but prospectors and men seeking only shallow surface diggings in connection with water do not generally have the capital and enterprise necessary to prosecute hydraulic mining of the modern kinds. Within the past two or three years capital has been attracted to these deposits, wherein in two counties of Southern Oregon alone I am credibly informed that many hundreds of thousands of dollars have been expended in opening up claims—in the constructing of ditches and arrangement of machinery principally. Much labor and time, as well as money, is required to develop and put in paying order any of these claims, and although numbers of them are now in working order, few or none of them have yet been sufficiently tested to develop their real worth. A full "clean up" is the only fair test of value, even after months of labor and many thousands of dollars of expenditure.

This must be ranked mainly as an agricultural State, though mining is, and will indefinitely continue to be, a large factor in the sum of our productions, both in gravel and quartz mining. Our people have never been subjected to the emotional risks occasioned by stock boards and wild-cat speculations which have swept other mining regions, and are thus more disposed to weigh the chances of profit in any enterprise offering inducements. Hence our mining interests have lagged, only to be placed upon a profitable basis when undertaken at all.

The quartz mining of this district has also attracted a renewed share of attention. Heretofore, with but few exceptions, this class of mining has been lightly employed, and has yielded but small returns, for precisely the reasons which have been offered in regard to the small effort expended in placers. Some wonderfully rich deposits were discovered many years ago, and were worked with immense profit. Notable among them were the Gold Hill and Steamboat or Fowler lands, in Jackson and Josephine Counties, respectively. From these, by the ordinary processes then in use, several hundred thousands of dollars were taken from the surface rock alone in the space of a few months. In one instance, from the Gold Hill ledge, one gentleman secured a trifle over 1,600 pounds of surface rock from which he took \$30,000. When these surface deposits were exhausted (nearly twenty years ago) by crushing in "arrastras" and other almost equally primitive methods, and the serious and expensive work of sinking shafts, driving tunnels, &c., began, those mines were abandoned and have lain idle till this day, with the exception of an effort now being made to resume work on the Steamboat.

In Eastern Oregon quartz mining has been steadily followed, in a small way, by gentlemen of limited means, for a number of years, yielding fair returns where effort merited reward. Several small mills are now in operation there, and prospecting is pushed with considerable vigor. I have no data as to average yield, but am assured that it has been uniformly satisfactory. The general outlook, however, is better now in regard to mining than it has been before for many years. In the course of time I believe this State, to the extent of its mining area, will rank with the most favored mining localities of the coast. Given the mines, and we certainly possess facilities unsurpassed by any region—cheap fuel and labor, abundance of water, and plenty of all kinds of provisions, all easily obtained.

Since my last report I have reorganized the mineral department of this office by appointing and commissioning, according to law and instructions, a corps of competent deputy mineral surveyors, who have each given bonds in the sum of \$10,000 for the faithful performance of their duties. I hereto append a list of all the deputy mineral surveyors of this district, giving date of commissions, post-office address, and land district in which they are entitled to act, as follows:

Deputy mineral surveyors.

Name.	When commissioned.	Post-office address.	Land district.
W. F. Briggs	Sept. 2, 1878	Canyonville, Oreg.	Roseburg.
C. J. Howard	Dec. 4, 1878	Jacksonville, Oreg.	Do.
William P. Wright	Dec. 5, 1878	Cockville City, Oreg.	Do.
B. F. Myer	Dec. 9, 1878	Ashland, Oreg.	Do.
J. A. Warner	Dec. 17, 1878	Albany, Oreg.	Do.
Charles M. Foster	Dec. 20, 1878	Baker City, Oreg.	La Grande.
L. F. Cooper	Dec. 21, 1878	Waldo, Oreg.	Roseburg.
James S. Howard	Jan. 17, 1879	Jacksonville, Oreg.	Do.
John Fitzhugh	Apr. 28, 1879	Port Oxford, Oreg.	Do.

Under this new arrangement and stimulus alluded to, considerable field work is under contemplation, and within the past few weeks I have made upwards of twenty estimates for office work, all upon applications from parties who contemplate perma-

ment and extensive works. They, with many more, I have no doubt, will be prosecuted to completion in due time. Those who generally do the prospecting care nothing for surveys, and it is not until after a mine has been demonstrated of value or permanence, and sufficient capital has been secured to work it, that the expense of survey and patent are thought of.

ESTIMATE FOR COST OF SURVEYS.

In making the estimate for surveys in this district for the fiscal year ending June 30, 1881, I have deviated from the usual plan of estimating for an amount greater than the service would seem to actually require in a single year, or than it could be fairly expected, in the light of experience of the past few years, would be granted, although I believe that true economy on the part of the government would be to appropriate money with a view to the completion of the entire survey of the district—at least that portion which it is clearly evident will be in demand in a very short time—as soon as possible. I have therefore placed the amount of my estimate at the very lowest sum which my judgment suggests will be satisfactory in meeting the rapidly increasing demands of settlements. Persistent demands are received from all unsurveyed regions, by settlers who do not have the means to avail themselves of the deposit law at this time, where so much surveying is generally needed to reach them, especially while present restrictions are imposed.

Very respectfully, your obedient servant,

JAMES C. TOLMAN.

Surveyor General.

A.—Statement showing the condition of contracts not closed at date of last annual report.

Number of contract.	Date.	Name of deputy.	Location and description of lines.	Number of miles surveyed.				Number of acres.	Number of maps.				Amount paid on account of contracts.	Remarks.					
				Exteriors.	Standard parallels.	Sections and meanders.	Total.		Original.	General Land Office.	Register.	Total.							
279	Mar. 5	William H. Byars	Exterior and subdivisinal lines of fractional townships 22 and 23 south, ranges 8 and 9 west, Willamette meridian, Oregon.	M. C. L. 9 00 00	M. C. L.	M. C. L. 17 00 87	M. C. L. 26 00 87	3,041.25	2	2	1	5	\$296 10	Completed.					
280	May 8	William P. Wright ...	Subdivisinal lines of fractional township 31 south, range 15 west, Willamette meridian, Oregon (sections 1, 2, 11, and 12).	.....	.....	5 34 75	5 34 75	2,522.56	1	1	1	3	54 35	Do.			
281	May 16	.....do	Subdivisinal lines of fractional township 31 south, range 5 west, Willamette meridian, Oregon (sections 4, 5, 6, 7, 8, and 9).	.....	.....	7 79 83	7 79 83	3,033.36	1	1	1	3	79 93	Do.		
282	May 31	.....do	Exterior and subdivisinal lines of fractional township 31 south, range 14 west, Willamette meridian, Oregon (sections 1, 2, 3, 10, 11 and 12).	3 00 00	.....	12 00 75	15 00 75	4,008.89	2	2	1	5	156 10	Do.			
283	June 17	John Fitzhugh	Subdivisinal lines of fractional township 31 south, range 15 west, Willamette meridian, Oregon (sections 15, 22, and 27).	.....	.....	5 01 28	5 01 28	1,920.00	1	1	1	3	50 00	Do.			
284	June 21	Thomas W. S. Slusher.	Exterior lines of township 3 south, range 11 east (west boundary) and exterior and subdivisinal lines of fractional township 2 south, ranges 10 and 11 east, Willamette meridian, Oregon.	17 39 16	.....	18 62 58	36 21 74	6,539.64	2	2	1	5	235 11	Do.				
285	June 20	H. G. Hurlburt.....	Subdivisinal lines of fractional township 29 south, range 6 west, Willamette meridian, Oregon.	.....	.....	1 78 70	1 78 70	1,120.00	1	1	1	3	19 85	Do.			
Minor totals				29 39 16	.....	68 18 76	.....	22,185.70	10	10	7	27	891 44				
Total number of miles surveyed .....				.....	.....	97 57 92								
Total number of acres surveyed .....				.....	.....	.....							
Total number of plats made .....				.....	.....	.....							
Total cost of survey .....				.....	.....	.....							

PORTLAND, OREG., August, 1879.

JAMES C. TOLMAN,
Surveyor General, Oregon.

B.—Statement of surveying contracts made under the appropriation of \$18,000 for survey of agricultural lands for fiscal year ending June 30, 1879.

No. contract.	Date.	Name of deputy.	Location and character of work.	Amount surveyed.			Estimated amount of contract.	Amount returned.	Remarks.
				Standards.	Exteriors.	Subdivisions.			
290	Aug. 7, 1878	John Campbell...	Exteriors of fractional township 6 north, ranges 5 and 6 west, and subdivisions of township 5 north, range 4 west; township 6 north, range 6 west, and fractional township 6 north, range 5 west, Willamette meridian, Oregon.	M. C. L.	M. C. L. 17 53 50	M. C. L. 96 57 31	\$1,382 00	\$1,214 53	Completed.
291	Aug. 7, 1878	Clark Smith	Subdivisions of township 3 north, range 5 west; of fractional township 5 north, range 5 west; of fractional township 6 north, range 3 west, and fractional township 7 north, range 3 west, Willamette meridian, Oregon.	.....	.....	138 50 93	1,390 00	1,386 36	Do.
292	Aug. 7, 1878	Wm. H. Byars...	Exteriors of township 24 south, range 8 west; of townships 23 and 24 south, range 9 west, and the subdivisions of townships 23 and 24 south, range 9 west, Willamette meridian, Oregon.	.....	.....	.....	1,460 00	.....	Notes returned but not platted.
293	Aug. 12, 1878	Geo. S. Pershin..	Subdivisions of township 2 south, range 30 east, Willamette meridian, Oregon.	.....	.....	60 07 23	360 00	360 00	Completed.
294	Aug. 20, 1878	W. B. Barr	Third standard parallel south between townships 13 and 14 south, ranges 3 east; exteriors of township 13 south, ranges 2 and 3 east; subdivisions of township 13 south, ranges 2 and 3 east, Willamette meridian, Oregon.	.....	.....	.....	1,400 00	.....	Work reported finished, but field notes not returned.
295	Aug. 21, 1878	Wm. Hall.....	Exteriors of townships 18, 23, and 24 south, range 12 west; subdivisions of townships 18 and 23 south, range 12 west; of fractional townships 24 south, ranges 12 and 13 west, Willamette meridian, Oregon.	.....	32 29 95	90 49 48	1,354 00	1,359 43	Completed.
296	Aug. 21, 1878	Wm. P. Wright ..	Exteriors of township 29 south, ranges 11, 12, 13, and 14 west, and subdivisions of fractional township 29 south, ranges 11, 12, 13, and 14 west, Willamette meridian, Oregon.	.....	25 01 95	105 48 73	1,404 00	1,406 41	Do.
298	Aug. 23, 1878	C. B. Watson.....	Exteriors of townships 31, 32, 33, and 34 south, range 32 east; subdivisions of townships 31, 32, 33, and 34 south, and fractional part of township 35 south, range 32 east; of townships 32, 33, 34, and 35 south, range 32 east, Willamette meridian, Oregon.	.....	.....	.....	3,000 00	.....	Deputy still in field.

B.—Statement of surveying contracts made under the appropriation of 18,000 for survey of agricultural lands, &c.—Continued.

No. contract.	Date.	Name of deputy.	Location and character of work.	Amount surveyed.			Estimated amount of contract.	Amount returned.	Remarks.
				Standards.	Exteriors.	Subdivisions.			
				<i>M. O. L.</i>	<i>M. O. L.</i>	<i>M. O. L.</i>			
300	Sept. 3, 1878	George Mercer....	Completion of third standard parallel south to Pacific Ocean; exteriors of fractional townships 14, 15, 16, and 17 south, ranges 12 west, and of 14 and 15 south, range 11 west, and the subdivisions of fractional townships 14 and 15 south, range 12 west, and of 14 and 15 south, range 11 west.	.....	.....	.....	\$1, 876 00	.....	Deputy still in field.
301	Sept. 13, 1878	Henry Meldrum ..	Exteriors of townships 4 and 5 south, ranges 9 and 10 west, and subdivisions of same.	.....	.....	.....	1, 500 00	.....	Do.
307	Oct. 31, 187.	Clark Smith	Subdivisions of fractional townships 10 and 11 south, range 7 west; of township 10 south, range 8 west, and of townships 11 south, range 10 west, Willamette meridian, Oregon.	.....	.....	63 04 94	640 00	\$630 60	Completed.
308	Nov. 18, 187:	E. A. Thatcher ...	Exteriors of township 8 south, ranges 21 and 22 east; of townships 6 and 7 south, ranges 22 and 23 east, and subdivisions of township 8 south, ranges 21 and 22 east, and of townships 6 and 7 south, ranges 22 and 23 east.	.....	.....	.....	2, 202 00	.....	Deputy still in field.
316	Jan. 11, 1879	B. F. Myer	Completion of township 40 south, range 8 east (meanders along margin of the deep water channel through Little Klamath Lake or marsh).	.....	.....	24 50	42 00	38 70	Completed.
S.J.	Dec. 9, 1878	Geo. S. Pershin....	Survey of the Fort Dalles Military Reservation..	.....	.....	.....	124 50	124 50	Do.
			Totals.....	.....	75 05 40	555 03 12	18, 134 50	6, 520 73	
			Total as per statement "A" .....	.....	29 39 16	68 18 76	.....	891 44	
			Totals of statements "A" and "B" .....	.....	104 44 56	623 21 88	18, 134 50	7, 412 17	
			Total number of miles surveyed .....	.....	.....	727 66 44	.....	.....

JAMES C. TOLMAN,
Surveyor General, Oregon.

C.—Statement of surveying contracts made under the appropriation of \$7,500 for survey of "timber lands" for fiscal year ending June 30, 1879.

No. contract.	Date.	Name of deputy.	Location and character of work.	Amount surveyed.			Estimated amount of contract.	Amount returned.	Remarks.
				Standard.	Exteriors.	Subdivisions.			
				<i>M. C. L.</i>	<i>M. C. L.</i>	<i>M. C. L.</i>			
297	Aug. 14, 1878	Alonzo Gesner ...	The exteriors of township 8 south, range 2 east, and subdivisions of townships 10, 11, 12, and 13 south, range 13 east, Willamette meridian, Oregon.	-----	-----	-----	\$1,309 00	-----	Deputy still in the field.
302	Sept. 9, 1878	Newton Clark	The exteriors of fractional township 2 north, range 10 east, and subdivisions of fractional townships 2 and 3 north, range 10 east, Willamette meridian, Oregon.	-----	9 78 60	14 18 25	300 00	\$282 21	Completed.
304	Sept. 19, 1878	George S. Pershin	The 1st standard parallel north, between townships 4 and 5 north, range 38 east, and exteriors of townships 3 and 4 north, range 37 east; of 4 and 5 north, range 38 east; and of township 3 south, ranges 30 and 31 east, Willamette meridian, Oregon.	6 00 00	33 73 71	27 44	992 00	991 20	Do.
309	Nov. 18, 1878	Aaron F. York	Continuation of special standard parallel, between townships 8 and 9 south, through ranges 27 and 28 east; exteriors of township 7 south, ranges 24, 25, and 26 east; of township 8 south, ranges 27 and 28 east; and the subdivisions of township 7 south, ranges 24, 25, and 26 east; and of township 8 south, ranges 27 and 28 east, Willamette meridian, Oregon.	-----	-----	-----	2,802 00	-----	Deputy still in the field.
320	Apr. 1, 1879	Thatcher & McCornack.	The exteriors of township 2 south, range 27 east; township 8 south, range 38 east; township 3 south, range 40 east; townships 4 and 5 south, range 41 east; and such of the subdivisions of the above-named townships as may be found most in demand for settlement, including the subdivisions of townships 9 and 10 south, range 39 east, and townships 2 and 4 south, range 38 east, Willamette meridian, Oregon.	-----	-----	-----	2,100 00	-----	Do.
Total				6 00 00	43 72 31	14 45.69	7,503 00	1,273 41	
Totals, as per statements A and B				-----	104 44 56	623 21 88	18,134 50	7,412 17	
Totals up to June 30, 1879				6 00 00	148 36 87	637 67 57	25,637 50	8,685 58	
Total number of miles surveyed from July 1, 1878 to June 30, 1879				-----	-----	792 24 44			

D.—Statement of surveying contracts made under "special deposits" for the fiscal year ending June 30, 1879.

No. of contract.	Date.	Name of deputy.	Location and character of work.	Amount surveyed			Estimated amount of contract.	Amount returned.	Amount deposited for field work.	Remarks.
				Standards.	Exteriors.	Subdivisions and meanders.				
	1878.			<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>				
286	July 23	Thos. Sherlock ...	Subdivisions of fractional township 32 south, range 7 east, Willamette meridian, Oregon.	-----	-----	60 09	\$10 00	\$7 51	\$10 00	Completed.
287	July 23	E. P. McCornack..	Exteriors and subdivisions of township 8 south, range 23 east, Willamette meridian, Oregon.	---	11 78 82	59 76 78	768 00	767 40	768 00	Do.
288	July 25	W. P. Wright	Subdivisions of fractional township 30 south, range 12 west, Willamette meridian, Oregon.	---	-----	4 00 00	40 00	40 00	40 00	Do.
289	July 26	E. P. McCornack..	Exteriors and subdivisions of fractional township 3 north, range 20 east, Willamette meridian, Oregon.	-----	62 50	17 17 20	214 00	183 09	214 00	Do.
290	Sept. 2	B. F. Myer	Subdivisions of township 37 south, range 2 east, Willamette meridian, Oregon.	-----	-----	6 00 95	60 00	60 12	60 00	Do.
303	Sept. 30	F. M. Johnson	Subdivisions of township 20 south, range 10 west, Willamette meridian, Oregon.	-----	-----	1 00 00	10 00	10 00	10 00	Do.
305	Sept. 20	G. S. Pershin	Subdivisions of fractional township 3 north, range 36 east, Willamette meridian, Oregon.	-----	-----	-----	475 00	-----	475 00	Suspended for a redeposit.
306	Oct. 28	J. S. Howard	Subdivisions of fractional township 39 south, range 2 west, Willamette meridian, Oregon.	-----	-----	-----	40 00	-----	40 00	Awaiting a redeposit; work done.
310	Nov. 30	William Thiel	Subdivisions of township 23 south, range 6 west, Willamette meridian, Oregon.	-----	-----	2 40 24	20 00	25 03	20 00	Completed and waiver filed for all excess of work.
311	Dec. 14	John Fitzhugh ...	Subdivisions of township 30 south, range 15 west, Willamette meridian, Oregon.	-----	-----	3 00 06	30 00	30 00	30 00	Completed.
312	1879.									
312	Jan. 3	A. H. Cleveland...	Subdivisions of township 40 south, range 13 west, Willamette meridian, Oregon.	-----	-----	4 00 57	40 00	37 15	40 00	Do.
313	1878.									
313	Dec. 7	G. S. Pershin	Subdivisions and exteriors of fractional township 2 south, range 30½ east, Willamette meridian, Oregon.	-----	2 21 00	11 55 42	85 00	86 06	85 00	Do.
314	Dec. 27	F. M. Johnson	Subdivisions of township 29 south, range 9 west, Willamette meridian, Oregon.	-----	-----	1 64 43	20 00	18 05	20 00	Do.
315	1879.									
315	Jan. 20	W. H. Byars	Exteriors and subdivisions of fractional township, 22 south, range 11 west, Willamette meridian, Oregon.	-----	39 00	3 43 38	37 00	42 25	37 00	Completed and waiver filed for extra work.
317	Jan. 20	... do	Subdivisions of township 26 south, range 3 west, Willamette meridian, Oregon.	-----	-----	3 00 92	30 00	30 00	30 00	Completed.
318	Mar. 7	H. C. Perkins	Subdivisions of fractional township 16 south, range 7 west, Willamette meridian, Oregon.	-----	-----	1 66 73	35 00	18 34	35 00	Do.

319	Mar. 26	G. S. Pershin.....	Subdivisions of township 3 south, range 31 east, Willamette meridian, Oregon.	.....	.....	59 78 08	575 00	567 85	575 00	Do.
321	Apr. 11	William Thiel	Subdivisions of township 22 south, range 4 west, Willamette meridian, Oregon.	.....	.....	.....	20 00	.....	20 00	Deputy still in the field.
322	May 8	W. N. Saunders ..	Subdivisions of fractional township 40 south, range 7 west, Willamette meridian, Oregon.	.....	.....	.....	60 00	.....	60 00	Do.
323	May 26	W. H. Byars	Subdivisions of township 22 south, range 12 west, Willamette meridian, Oregon.	.....	.....	.....	30 00	.....	30 00	Do.
S. I.	June 16	C. M. Foster	Survey of mining claim (office work only deposited for).	.....	.....	.....	.....	.....	25 00	Deputy has not yet returned notes.
Total .....				.....	15 42 22	180 24 85	.....	.....	.....
Grand total of miles surveyed.....				.....	.....	195 67 07	.....	.....	.....
Total estimated amount of contracts .....				.....	.....	.....	2, 599 00	.....	.....
Total amount returned .....				.....	.....	.....	.....	1, 922 85	.....
Total amount deposited .....				.....	.....	.....	.....	.....	2, 624 00	

PORTLAND, OREG., August, 1879.

JAMES C. TOLMAN,
Surveyor General, Oregon.

E 1.—Statement of original plats of surveys made and copies thereof transmitted (which were omitted in report of 1878) for the year 1877 and 1878.

Number of con- tract.	Name of deputy.	Lines.	Township.	Range.	Number of plats made.				Number of acres.	Character of contract.
					Original.	Sent to Com- missioner.	Sent to reg- ister.	Total.		
266	Alonzo Gesner.....	Subdivisions.....	12 south.....	17 east.....	1	1	1	3	23,095.89	Appropriation for 1877-'78.
		Do.....	9 south.....	19 east.....	1	1	1	3	22,317.20	Do.
		Standard parallel between townships 8 and 9 south, through ranges 19 to 28.			1	1		2	Do.	Do.
		Subdivisions.....	12 south.....	16 east.....	1	1	1	3	23,125.38	Do.
		Do.....	11 south.....	17 east.....	1	1	1	3	23,123.37	Do.
		Do.....	11 south.....	16 east.....	1	1	1	3	23,123.77	Do.
		Exteriors.....	8 south.....	26 east.....	}	1	1	2		
		Do.....	9 south.....	19 east.....						
		Do.....	8 south.....	24 and 25 east.....						
267	George S. Pershin	Subdivisions.....	29 south.....	12 east.....	1	1	1	3	23,121.84	Appropriation for 1877-'78.
		Do.....	28 south.....	12 east.....	1	1	1	3	23,026.34	Do.
		Do.....	28 south.....	13 east.....	1	1	1	3	11,480.53	Do.
		Exteriors.....	27, 28, 29 and 30 south.....	12 east.....	}	1	1	2		
		Do.....	27 and 28 south.....	13 east.....						
		268	E. A. Thatcher.....	Subdivisions.....	14 south.....	22 east.....	1	1	1	3	14,714.80	Do.
Do.....	13 south.....			20 east.....	1	1	1	3	21,944.72	Do.
Do.....	13 south.....			21 east.....	1	1	1	3	21,957.91	Do.
Do.....	13 south.....			22 east.....	1	1	1	3	21,837.74	Do.
Do.....	14 south.....			23 east.....	1	1	1	3	21,754.67	Do.
Do.....	14 south.....			24 east.....	1	1	1	3	23,080.00	Do.
Do.....	15 south.....			24 east.....	1	1	1	3	23,013.41	Do.
Do.....	15 south.....			25 east.....	1	1	1	3	23,091.93	Do.
Exteriors.....	13 south.....			20, 21, and 22 east.....	}	1	1	2		
Do.....	14 south.....			22, 23, and 24 east.....						
Do.....	15 south.....			24 and 25 east.....						
269	William H. Byars.....	Subdivisions.....	26 south.....	3 west.....	1	1	1	3	640.00	Special deposit.
Total number of maps made.....					21	21	17	59		
Total number of acres surveyed.....									243,809.47	

PORTLAND, OREGON, August, 1879.

JAMES C. TOLMAN,
Surveyor General, Oregon.

E 2.—Statement of original plats of surveys made and copies transmitted since June 30, 1878.

Number of contract.	Name of deputy.	Lines.	Township.	Range.	Number of plats made.				Number of acres.	Character of contract.
					Original.	Copies sent Commissioner.	Copies sent register.	Total.		
271	William Thiel	Subdivisions	20 south	10 west	1	1	1	3	1, 200. 00	Special deposit.
272	William H. Byars	do	25 south	6 west	1	1	1	3	1, 287. 85	
272	do	Exteriors	25 south	6 west	1	1	1	3	Do.	Do.
273	John Fitzhugh	Subdivisions	35 south	14 west	1	1	1	3	4, 065. 46	Do.
274	W. H. Byars	do	22 south	10 west	1	1	1	3	1, 200. 00	Do.
274	do	do	22 south	9 west	1	1	1	3	2, 561. 87	Do.
274	do	Exteriors	22 south	9 west	1	1	1	2	Do.	Do.
275	John W. Meldrum	Subdivisions	31 south	32½ east	1	1	1	3	21, 080. 63	Do.
275	do	Exteriors	31, 32, 33, 34, and 35 south	32½ and 35 east	1	1	1	2	Do.	Do.
275	do	Seventh standard parallel south, through range	32½ east	32½ east	1	1	1	2	Do.	Do.
276	William P. Wright	Subdivisions	30 south	13 west	1	1	1	3	5, 767. 63	Do.
276	do	Exteriors	30 south	13 west	1	1	1	2	Do.	Do.
277	George Mercer	Subdivisions	14 south	7 west	1	1	1	3	2, 080. 00	Do.
277	do	Exteriors	14 south	7 west	1	1	1	2	Do.	Do.
278	William Hall	Subdivisions	25 south	11 west	1	1	1	3	2, 240. 60	Do.
279	W. H. Byars	do	23 south	9 west	1	1	1	3	3, 041. 25	Do.
279	do	Exteriors	23 south	9 west	1	1	1	2	Do.	Do.
280	W. P. Wright	Subdivisions	31 south	15 west	1	1	1	3	2, 522. 56	Do.
281	do	do	31 south	5 west	1	1	1	3	3, 033. 36	Do.
282	do	do	31 south	14 west	1	1	1	3	4, 008. 99	Do.
282	do	Exteriors	31 south	14 west	1	1	1	2	Do.	Do.
283	John Fitzhugh	Subdivisions	31 south	15 west	1	1	1	3	1, 920. 00	Do.
284	T. W. S. Slusher	do	2 south	10 east	1	1	1	3	3, 040. 00	Do.
284	do	do	2 south	11 east	1	1	1	3	3, 499. 60	Do.
284	do	Exteriors	2 south	10 east	1	1	1	2	Do.	Do.
284	do	do	2 and 3 south	10 and 11 east	1	1	1	2	Do.	Do.
285	H. G. Hurlburt	Subdivisions	29 south	6 west	1	1	1	3	1, 120. 00	Do.
286	Thomas Sherlock	do	32 south	17 east	1	1	1	3	81. 12	Do.
287	E. P. McCornack	do	8 south	23 east	1	1	1	3	22, 989. 83	Do.
287	do	Exteriors	8 south	23 east	1	1	1	2	Do.	Do.
288	William P. Wright	Subdivisions	30 south	12 west	1	1	1	3	1, 280. 00	Do.
289	E. P. McCornack	do	3 north	20 east	1	1	1	3	5, 234. 75	Do.
289	do	Exteriors	3 north	20 east	1	1	1	2	Do.	Do.

Number of contract.	Name of deputy.	Lines.	Township.	Range.	Number of plats made.				Number of acres.	Character of contract.
					Original.	Copies sent Commissioner.	Copies sent registrar.	Total.		
290	John Campbell	Subdivisions	5 north	4 west	1	1	1	3	23,044.24	Appropriation for 1878-'79.
290	do	do	6 north	5 west	1	1	1	3	8,820.08	Do.
290	do	do	6 north	6 west	1	1	1	3	10,889.88	Do.
290	do	Exteriors	6 north	6 west	1	1		2		Do.
291	Clark Smith	Subdivisions	3 north	5 west	1	1	1	3	22,357.98	Do.
291	do	do	5 north	5 west	1	1	1	3	6,400.00	Do.
291	do	do	6 north	3 west	1	1	1	3	15,216.90	Do.
291	do	do	7 north	3 west	1	1	1	3	11,319.47	Do.
298	George S. Pershin	do	2 south	30 east	1	1	1	3	23,000.77	Do.
295	William Hall	do	18 south	12 west	1	1	1	3	11,598.66	Do.
295	do	do	24 south	12 west	1	1	1	3	8,212.35	Do.
295	do	do	24 south	13 west	1	1	1	3	4,044.34	Do.
295	do	do	25 south	12 west	1	1	1	3	480.00	Do.
295	do	Exteriors	18, 23, and 24 south	12 and 13 west	1	1		2		Do.
296	W. P. Wright	Subdivisions	29 south	11, 12, 13, and 14 west	4	4	4	12	39,733.46	Do.
296	do	Exteriors	29 south	11, 12, 13, and 14 west	1	1		2		Do.
297	Alonzo Gesner	Subdivisions	12 and 13 south	1 west	2	2	2	6	27,755.58	Do.
299	B. F. Myer	do	37 south	2 west	1	1	1	3	1,282.40	Special deposit.
302	Newton Clark	do	2 north	10 west	1	1	1	3	7,348.77	Appropriation for 1878-'79.
302	do	Exteriors	2 north	10 west	1	1		2		Do.
303	F. M. Johnson	Subdivisions	20 south	10 west	1	1	1	3	320.00	Special deposit.
304	George S. Pershin	First standard parallel N., between townships 4 and 5 N., through range 36 E.			1	1		2		Appropriation for 1878-'79.
304	do	Exteriors	3 south	30 and 31 east	1	1		2		Do.
304	do	do	3 and 4 north	37 and 38 east	1	1		2		Do.
305	do	Subdivisions	3 north	36 east	1	1	1	3	15,246.24	Special deposit.
307	Clark Smith	do	10 south	8 west	1	1	1	3	7,633.18	Appropriation for 1878-'79.
307	do	do	10 south	7 west	1	1	1	3	7,286.85	Do.
307	do	do	7 south	12 west	1	1	1	3	11,542.62	Do.
307	do	do	11 south	10 west	1	1	1	3	5,044.20	Do.
310	William Thiel	do	23 south	6 west	1	1	1	3	1,120.00	Special deposit.
311	John Fitzbugh	do	30 south	15 west	1	1	1	3	1,600.00	Do.
312	A. H. Cleveland	do	40 south	13 west	1	1	1	3	1,440.00	Do.
313	G. S. Pershin	do	2 south	30 east	1	1	1	3	4,591.23	Do.
313	do	Exteriors	2 south	30 east	1	1		2		Do.

314	F. M. Johnson	Subdivisions	21 south	9 west	1	1	1	3	800. 00	Do.
315	W. H. Byars	do	22 south	11 west	1	1	1	3	997. 54	Do.
315	do	Exteriors	22 south	11 west	1	1		2		Do.
316	B. F. Myer	Subdivisions	40 south	8 east (meanders, only)	1	1	1	3		Appropriation for 1878-'79.
317	W. H. Byars	do	26 south	3 west	1	1	1	3	640. 00	Special deposit.
318	H. C. Perkins	do	16 south	7 west	1	1	1	3	269. 34	Do.
319	George S. Perahin	do	3 south	31 east	1	1	1	3	23, 002. 59	Do.
* Total number plats made					77	77	57	211		
Total number acres surveyed									393, 196. 17	

* This office has also constructed plats of 14 townships (protractions in triplicate), a portion of which had been forwarded to Washington and local land offices prior to Commissioner's letter dated June 12, 1879, ordering their discontinuance. Duplicate plats of the Fort Dalles military reservation, and five triplicates of "special" plats, are also omitted from the body of this report, which would increase the total number of plats made during the year to 270.

JAMES C. TOLMAN,
Surveyor General, Oregon.

F.—Statement of "special deposits" made to credit of the United States for survey of public lands in Oregon during the fiscal year ending June 30, 1879.

DR.

CR.

Date.	Names of depositors.	For the survey of—	For office work.	For field work.	Date.	Amount drawn.	For office work.	For field work.
1878.					1878.			
July 23	William Harvey ..	Fractional subdivisions of township 32 south, range 17 east.	\$10 00	\$10 00	Dec. 31	By amount paid special clerk and draughtsman in the two quarters ending December 31, 1878, as per accounts rendered.	\$215 00	.....
July 18	G. W. Gilman et al.	Exteriors and subdivisions of township 8 south, range 23 east.	25 00	768 00	Aug. 2	By paid Jos. Dobbin's surveying account		\$20 00
July 20	W. T. Lenherr ...	Subdivisions of fractional township 30 south, range 12 west.	20 00	40 00	Aug. 3	By paid W. H. Byar's surveying account		296 10
July 26	T. S. Lang	Exteriors and subdivisions of fractional township 3 north, range 20 east.	25 00	214 00	Sept. 6	do		54 35
Aug. 22	W. T. Leeke	Subdivisions of township 37 south, range 2 east.	15 00	60 00	Sept. 6	By paid John Fitzhugh's surveying account		50 00
Sept. 9	C. E. Ricker	Subdivisions of township 20 south, range 10 west.	10 00	10 00	Sept. 7	By paid W. H. Byar's surveying account		79 93
Sept. 20	F. M. Walker et al.	Subdivisions of township 3 north, range 36 east.	25 00	475 00	Sept. 7	By paid W. P. Wright's surveying account		40 00
Sept. 18	Ithamar Renolds..	Subdivisions of township 39 south, range 2 west.	25 00	40 00	Nov. 8	By paid E. P. McCormack's surveying account		767 40
Nov. 20	M. Tynan	Subdivisions of township 23 south, range 6 west.	10 00	20 00	Nov. 8	do		183 09
Nov. 19	J. W. Carman	Subdivisions of township 30 south, range 15 west.	20 00	30 00	Nov. 9	By paid Thomas Sherlock's surveying account		7 51
Nov. 27	A. P. Tolman	Subdivisions of township 40 south, range 13 west.	20 00	40 00	Nov. 14	By paid B. F. Myer's surveying account		60 06
Dec. 6	George H. Piper ..	Subdivisions and exteriors of fractional township 2 south, range 30½ east.	15 00	85 00	Dec. 11	By paid F. M. Johnson's surveying account		10 00
Dec. 16	Fred. Koepke	Subdivisions of township 21 south, range 9 west.	10 00	20 00	Dec. 17	By paid H. G. Hurlburt's surveying account		19 85
Dec. 26	J. McIsaac	Subdivisions and exteriors of township 22 south, range 11 west.	20 00	37 00	1879.			
Dec. 26	W. Trask	Subdivisions of township 26 south, range 3 west.	25 00	30 00	Jan. 18	By paid T. W. S. Slusher's surveying account		235 11
1879.					Apr. 3	By paid F. M. Johnson's surveying account		18 05
Mar. 5	George Marshall ..	Subdivisions of fractional township 16 south, range 7 west.	15 00	35 00	Apr. 3	By paid W. H. Byar's surveying account		30 00
Mar. 25	J. M. Watson et al.	Subdivisions of township 3 south, range 31 east.	25 00	575 00	Jan. 29	By paid George S. Pershin's surveying account		85 00
Apr. 4	Amos Rand	Subdivisions of fractional township 22 south, range 4 west.	10 00	20 00	Apr. 3	By paid John Fitzhugh's surveying account		30 00
Apr. 22	A. H. Platter	Subdivisions of fractional township 40 south, range 7 west.	20 00	60 00	Apr. 3	By paid A. H. Cleveland's surveying account		37 15
					Apr. 24	By paid William Thiel's surveying account		20 00
					Apr. 24	By paid W. H. Byar's surveying account		37 00
					Apr. 24	By paid H. C. Perkin's surveying account		18 34
					June 10	By paid G. S. Pershin's surveying account		567 85
					June 30	By amount paid special clerk and draughtsman in the two quarters ending June 30, 1879, as per accounts rendered.	181 00	.....

Apr. 28	W. M. Richards ..	Subdivisions of township 22 south, range 12 west.	20 00	30 00				
June 16	J. W. Larkin et al	Survey of mining claim.....	25 00	.....			
		Totals	390 00	2, 599 00		Totals	396 00	2, 666 73

PORTLAND, OREG., August, 1879.

JAMES C. TOLMAN,
Surveyor General, Oregon.

G.—Statement of appropriation and expenditures for surveyor general of Oregon and clerks in his office for the fiscal year ending June 30, 1879.

Dr. Cr.

Date.	How expended.	Amount.	Date.	Amount of appropriation.	Amount.
1878.			1878.		
Sept. 30	To amount paid the surveyor general and clerks in his office, as per accounts rendered, for the quarter ending September 30, 1878.	\$1, 725 00	July 1	By amount of appropriation for the fiscal year ending June 30, 1879.	\$7, 000 00
Dec. 31	To amount paid the surveyor general and clerks in his office, as per accounts rendered, for the quarter ending December 31, 1878.	1, 725 00			
1879.					
Mar. 31	To amount paid the surveyor general and clerks in his office, as per accounts rendered, for the quarter ending March 31, 1879.	1, 725 00			
June 30	To amount paid the surveyor general and clerks in his office, as per accounts rendered, for the quarter ending June 30, 1879.	1, 820 60			
	To balance.....	4 40		To expenditures as stated	6, 995 60
	Total.....	7, 000 00		By amount unexpended.....	4 40

PORTLAND, OREG., August, 1879.

JAMES C. TOLMAN,
Surveyor General, Oregon.

H.—Statement of appropriation and expenditures for incidental expenses of office of surveyor general for fiscal year ending June 30, 1879.

Dr.			Cr.		
Date.	Disbursements.	Amount.	Date.	Appropriation.	Amount
1878. Sept. 30	To amount of disbursements in the quarter ending September 30, 1878, as per accounts rendered.	\$312 75	1878. July 1	By amount of appropriation for incidental expenses for office of surveyor general, including pay of messenger at \$600 per annum.	\$1,500 00
Dec. 31	To amount of disbursements in the quarter ending December 31, 1878, as per accounts rendered.	283 95			
1879. Mar. 31	To amount of disbursements in the quarter ending March 31, 1879, as per accounts rendered.	280 76			
June 30	To amount of disbursements in the quarter ending June 30, 1879, as per accounts rendered.	342 25			
	Total disbursements ...	1,219 71		Deduct expenditures	1,219 71
				Unexpended balance ...	280 29

JAMES C. TOLMAN,
Surveyor General, Oregon.

PORTLAND, OREG., August, 1879.

I.—Estimate of funds required for the surveying service in Oregon for the fiscal year ending June 30, 1881.

FOR SURVEYS.

For running, measuring, and marking the following lines within the unsurveyed districts of Oregon :

For 100 miles of standard lines, in mountainous, heavily timbered, or brushy regions, at \$16 per mile.....	\$1,600
For 66 miles of standard lines, in prairie or open, level lands, at \$10 per mile.....	660
For 350 miles of exterior lines, in mountainous, heavily timbered, or brushy regions, at \$14 per mile.....	4,900
For 250 miles of exterior lines, in prairie or open, level lands, at \$7 per mile.....	1,750
For 2,000 miles of subdivisional lines, in mountainous, heavily timbered, or brushy regions, at \$10 per mile.....	20,000
For 1,600 miles of subdivisional lines, in prairie or open, level lands, at \$6 per mile.....	9,600
Total for surveys	38,510

FOR OFFICE WORK.

For salary of surveyor general	\$2,500
For salary of chief clerk	1,800
For salary of draughtsman.....	1,500
For salary of transcribing clerk.....	1,200
Total for salaries.....	7,000

FOR INCIDENTAL EXPENSES.

For pay of messenger, purchase of stationery, and incidental expenses of office of surveyor general of Oregon	\$1,500
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JAMES C. TOLMAN,
Surveyor General, Oregon.

PORTLAND, OREG., August 1879.

N.—Report of the surveyor general of Utah.

UNITED STATES SURVEYOR GENERAL'S OFFICE,
Salt Lake City, Utah, September 1, 1879.

SIR: In compliance with your Circular E, of April 21, 1879, I have the honor to transmit herewith the annual report of this office, with accompanying tabular statements, in duplicate, of the surveying operations in this district for the fiscal year ending June 30, 1879.

A.—Statement showing condition of surveys of public land contracted for during the fiscal year ending June 30, 1878, and returned during the fiscal year ending June 30, 1879.

B.—Statement showing condition of surveys of public lands contracted for and returned during the fiscal year ending June 30, 1879.

C.—Statement showing the number of townships, with character and extent of surveys and amount of area of public lands contracted for during the fiscal year ending June 30, 1878, and returned during the fiscal year ending June 30, 1879.

D.—Statement showing the number of townships, with character and extent of surveys and amount of area of public lands contracted for and returned during the fiscal year ending June 30, 1879.

E.—Statement of approval of public surveys and transmission of copies of the same to the General Land Office and to the district land offices during the fiscal year ending June 30, 1879.

F.—Statement showing the number of linear miles run, the rate per mile, and the cost of public surveys under the regular appropriation, as returned in Utah during the fiscal year ending June 30, 1879.

G.—Statement showing the number of linear miles run, the rate per mile, and the cost of public surveys under special deposits, as returned in Utah during the fiscal year ending June 30, 1879.

H.—Statement showing the number of acres of public lands surveyed in Utah since the inception of surveys up to June 30, 1879.

I.—Statement of special deposits made by individuals for survey of public lands in Utah during the fiscal year ending June 30, 1879.

J.—Statement showing the mining claims surveyed, by whom surveyed, and amount deposited for office work on each claim.

K.—Statement showing the condition of the appropriation for incidental expenses in the office of surveyor general of Utah for the fiscal year ending June 30, 1879.

L.—Statement showing condition of appropriation for salary of surveyor general of Utah, and clerks in his office, for the fiscal year ending June 30, 1879.

M.—Statement showing condition of special deposits for office work in the office of the surveyor general of Utah for the fiscal year ending June 30, 1879.

N.—Estimate of appropriation required for the surveying service in Utah for the fiscal year ending June 30, 1881.

O.—Statement of condition of appropriation for survey of public lands in Utah for the fiscal year ending June 30, 1879.

P.—Statement of condition of special deposits for survey of public lands in Utah for the fiscal year ending June 30, 1879.

Q.—Statement of office work executed on mining claims in surveyor general's office of Utah.

R.—Statement of work executed under regular appropriation for public surveys, in the surveyor general's office, for the fiscal year ending June 30, 1879.

S.—Statement of work executed under special deposits for public surveys, in the surveyor general's office of Utah, for the fiscal year ending June 30, 1879.

AGRICULTURAL SURVEYS.

The agricultural surveys consist of—

a. Surveys of former contracts finished during the fiscal year, amounting to 1,186 miles, 3 chains, and 2 links, at a cost of \$10,621.

b. Surveys under contract for which appropriation was made, amounting to 858 miles, 22 chains, and 28 links, at a cost of \$9,974.75.

c. Surveys made under contract for which individual deposits were made, amounting to 138 miles, 39 chains, and 79 links, at a cost of \$877.52.

There were 101 townships and fractional townships surveyed during the year.

The contracts executed under the appropriation were mainly for the survey of standard parallels and guide meridians.

Extension of the Salt Lake base line, first and second standard parallel south, eastward to the Colorado boundary line, with guide meridians in contract No. 86, and ex-

tension of the fifth standard parallel south to the Colorado boundary line, and the Colorado meridian south to the Arizona boundary, in contract No. 87.

These surveys were made to explore regions almost unknown and to allow surveys to be made for steadily increasing settlements.

While the land along the fifth standard parallel south, west of Green River, is to a great extent coal land of immense magnitude, yet the absence of timber and water renders the same valueless for the present.

The land along the Colorado guide meridian consists of agricultural and grazing lands, but particularly of very extensive timber lands of great value.

The country opened by the surveys under the first mentioned contract contains rich valleys adapted to agriculture, and extensive forests, and those surveys are now followed by a contract for subdivisions.

The surveys made on account of individual deposits consist of the resurvey of the Spanish Fork Indian Reservation and numerous smaller surveys for lands considered worthless at the time the adjacent surveys were made.

The survey of the Spanish Fork Indian Reservation amounts to 72 miles, 52 chains, and 67 links, at a cost of \$441.50. All other surveys under the deposit system amount to 65 miles, 52 chains, and 67 links, at a cost of \$436.02, making the total return during the fiscal year of 416,132.37 acres, of which 71,101.23 acres are returned as mineral and 3,641.32 acres as coal land.

MINERAL SURVEYS.

The mining interest in Utah has revived lately very considerably, and with it the mineral surveying.

In Utah and Blue Ledge mining districts new discoveries are made which promise to equal the famous Ontario.

In West Mountain mining district a "gold belt" has been discovered about two miles in width, running east and west. There is the greatest excitement in this Territory and contest for claims. Old claims, located prior to 1872, north and south, to follow the lead veins, are now located east and west, and men are found to swear to them and deputies to survey them, and, while they are disapproved, they are still used to protest against honest claims.

The Utah Southern Railroad has been extended south, so that the very rich silver mines in San Francisco mining district will soon be reached and the extensive sulphur beds and iron regions be made accessible, and the silver ores in the sandstone of Harrisburg mining district brought nearer to market.

But while the mineral surveys increase in number, the difficulty in surveying the same is increased in much greater proportion. Cases are not unfrequent where six to eight conflicts occur, and by these conflicts the errors and mistakes of former surveys are detected, and resurveys become necessary, so that a deputy, no matter how correct his own survey may be, is compelled to show the difference and errors in former surveys by establishing the *locus* of such claims. For the same reason the office work is increased.

The enforcement of the order of this office to perpetuate the corners of a claim will remedy this evil as far as new surveys are concerned.

The relative position of a claim to adjacent or conflicting claims can thus be ascertained by actual measurement, and the practice to calculate the conflicts upon erroneous presumptions will be avoided.

One great difficulty in mineral surveying lies in the inaccuracy of the relative location of the mineral monuments. Formerly, mineral monuments were established without connecting the same with others. Of late, deputies who establish a new monument must connect the same with another one. Such a connection is generally made by a long traverse line, and a mistake or error in such survey is easily made and cannot be discovered until subsequent surveys show the error.

This office has repeatedly asked for an appropriation for the purpose of connecting and establishing mineral monuments, as yet in vain. I hope that the Commissioner of the General Land Office will impress upon Congress that correct conclusions cannot be drawn from wrong premises, and that an appropriation for this purpose is an absolute necessity.

The party making the connection with the several mineral monuments could at the same time establish one or more short meridian lines in each mining district, which would make the variations of the needle uniform, and in some cases perhaps show the surveys to be made by plate angles instead of the needle.

On the 30th day of June, 1879, the end of the fiscal year, we had thirty-five mining districts, a number which is constantly increasing as convenience requires. The mining districts are generally of the size of a township; it is therefore evident that the numbering of a mining claim by mineral districts is preferable to the numbering of the same by townships, where one claim may have four different numbers. I respectfully refer you to my letter of August 9, 1879, on this subject.

OFFICE WORK.

The amount of office work is shown in the tabular statements.

The map of Utah Territory became necessary by the publication of the map of said Territory by Maj. J. W. Powell, purporting to represent the extent of the irrigable, timber, and pasture lands of Utah; the misrepresentation whereof I considered my duty to make known to the General Land Office. I respectfully refer to my letter of March 12, 1879, with map and accompanying documents on this subject.

The number of acres of public lands disposed of at the local land office at Salt Lake City for the fiscal year ending June 30, 1879, are as follows:

	Acres.
Original homestead entries	72,000.20
Final homestead entries	12,749.15
Cash entries	15,858.62
Military land warrant entries	
Timber culture entries	2,179.47
First desert land entries	12,705.28
Mineral land entries	728.982
Coal land entries	
Supreme Court script entries	400
Second desert land entries	320

All of which is respectfully submitted.

FRD. SALOMON,
Surveyor General for Utah.

HON. COMMISSIONER OF THE GENERAL LAND OFFICE,
Washington, D. C.

A.—Statement showing condition of balance of surveys of public lands contracted for during the fiscal year ending June 30, 1878, and returned during the fiscal year ending June 30, 1879.

Deputy.	Contract.		Surveys.	Extent.	Cost.	Remarks.
	No.	Date.				
Aug. D. Ferron	79	1877. Aug. 27	Salt Lake principal meridian, from corner to sections 19, 24, 25, and 30, in township 1 north; north between ranges 1 east and 1 west, to corner to sections 7, 12, 13, and 18; then resurvey north to corner to sections 1, 6, 7, and 12, of said township; then from corner to sections 7, 12, 13, and 18, township 21 south; resurvey north to corner to townships 20 and 21 south, ranges 1 east and 1 west; then Beaver guide meridian from corner to sections 1, 6, 7, and 12 north to corner to townships 27 and 28 south, between ranges 6 and 7 west of the Salt Lake meridian. Ditto mountainous or timbered	<i>Ms. chs, lks.</i> 5 00 00	\$50 00	Amount of contract, \$7,000. Amount returned in annual report, 1878..... \$3,159 67 Amount returned in this report 3,708 44 Total 6,868 11
			Fourth standard parallel south from corner to townships 20 and 21 south, ranges 1 east and 1 west; resurvey east to corner to sections 4, 5, 32, and 33, range 1 east; thence survey east to quarter section corner between sections 4 and 33 in range 2 east; and fifth standard parallel south from corner to sections 2, 3, 34, and 35, between townships 25 and 26 south, range 3 west; west to corner to sections 4, 5, 32, and 33, in range 4 west of the Salt Lake meridian. Ditto mountainous or timbered	1 00 00 10 71 50	16 00 108 94	
			Exterior boundaries, being the east boundary of township 20 south, range 1 east; east boundary and closings of township 21 south, range 1 east; resurvey and survey of south boundary and survey of a part of the west boundary of township 21 south, range 1 west; resurvey and survey of a part of the west boundary of township 22 south, range 1 west; parts of north, west, and south boundaries of township 23 south, range 1 west; resurvey and survey of the west boundary of township 25 south, range 3 west; resurvey and survey of a part of the north boundary and survey of a part of the west boundary of township 25 south, range 4 west; part of the west boundary of township 26 south, range 3 west; part of the west boundary of township 27 south, range 7 west; part of the south boundary of township 28 south, range 6 west; the north and west boundaries and resurvey and survey of a part of the south boundary of township 28 south, range 7 west; part of the north boundary of township 28 south, range 8 west, and part of the west and the north boundaries of township 29 south, range 8 west of the Salt Lake meridian. Ditto mountainous or timbered	5 47 00 41 04 94	89 40 287 42	
				27 02 91	378 51	

James H. Martineau... 80 Aug. 30

Subdivisions, being additional survey in township 1 north, range 1 west, and township 20 south, range 1 east; fractional survey in township 20 south, range 2 east; additional survey in township 21 south, range 1 east; fractional survey in township 21 south, range 2 east; additional survey in townships 21 and 22 south, range 1 west; fractional survey in township 23 south, range 1 west; additional survey in township 25 south, ranges 3 and 4 west; fractional survey in township 26 south, ranges 3 and 4 west; in township 27 south, ranges 7 and 8 west; in township 28 south, range 6 west; full township 28 south, range 7 west; fractional survey in township 28 south, range 8 west; and additional survey in township 29 south, range 8 west of the Salt Lake meridian.

Ditto mountainous or timbered.
Second standard parallel north, from the quarter section corner on south boundary of section 34, range 3 east; east through ranges 3, 4, and 5 east of the Salt Lake meridian.

Timbered or mountainous.
Exterior boundaries, being the south, east, and fractional west boundary of township 8 north, range 3 east; west and north boundaries of township 9 north, ranges 3 and 4 east; west and fractional north boundary of township 9 north, range 5 east; fractional east boundary of township 10 north, range 3 east; west and fractional north boundary of township 10 north, range 5 east; east boundary of township 11 north, range 1 east; resurvey and survey of the north, fractional survey of the south and the west boundaries of township 11 north, range 1 west; fractional north boundary of township 11 north, range 2 west; west boundary of township 12 north, range 1 west, and fractional south boundary of township 12 north, range 2 west of the Salt Lake meridian.

Ditto mountainous or timbered.
Subdivisions, being full survey in township 8 north, range 3 east, and township 9 north, ranges 3 and 4 east; additional of township 9 north, range 5 east, and township 10 north, range 1 west; fractional of township 10 north, range 3 east; additional of township 10 north, range 5 east; 11 north, range 1 east, and townships 11 and 12 north, ranges 1 and 2 west of the Salt Lake meridian.

Ditto mountainous or timbered
Principal meridian, being resurvey and survey through township 11 south of the Salt Lake base line.

Guide meridian and closings, being fractional survey in township 5 south, between ranges 4 and 5 east of the Salt Lake meridian.

Ditto mountainous or timbered

Second standard parallel south, resurvey and survey through range 1 west.

Ditto mountainous or timbered

Exterior boundaries, being the north and east boundaries, with closings, of township 5 south, range 5 east; fractional east boundary of township 9 south, range 3 east; east boundary of township 10 south, range 3 east; resurvey and survey of south boundary of township 11 south, range 1 west; fractional north, south, and west boundaries of township 12 south, range 1 west, and north and south boundaries of township 12 south, range 2 west of the Salt Lake meridian.

Ditto mountainous or timbered

254 59 27 1,528 45

124 76 94 1,249 62

14 27 00 229 40
8 00 38 56 0380 15 18 1,122 65
34 72 66 209 45340 77 76 3,409 72
6 00 00 60 00

2 52 46 26 55

25 00 5 00

5 04 75 50 59
75 25 15 05

33 30 50 233 66

14 49 00 204 57

Amount returned in annual report, 1878 \$1,550 42
Amount returned in this report 5,027 25

Total 6,577 67
Amount of contract 6,500 00

Leaving an excess of \$77.67, which will be included in a deficiency estimate to be submitted by the Commissioner of the General Land Office to Congress. (Commissioner's letter, March 7, 1879.)

Amount of contract, \$2,550.
Amount returned in annual report, 1878 \$637 25
Amount returned in this report 1,885 42

Total 2,522 67

Andrew J. Stewart, jr.. 81 Sept. 26

A.—Statement showing condition of balance of surveys of public lands contracted for, &c.—Continued.

Deputy.	Contract.		Surveys.	Extent.	Cost.	Remarks.
	No.	Date.				
Andrew J. Stewart, jr— Continued,	81	1877. Sept. 36	Subdivisions, being additional surveys in township 5 south, range 5 east; township 11 south, range 1 west; township 11 south, range 1 east; township 12 south, range 1 west, and township 12 south, range 2 west of the Salt Lake meridian.	<i>Ms. chs. lks.</i> 113 35 98	\$680 69	
Obed A. Palmer.....	83	1878. June 27	Ditto mountainous or timbered..... Exterior lines, being fractional south boundary of township 6 north, range 1 west of the Salt Lake meridian. Subdivisions, being additional survey of township 6 north, range 1 west of the Salt Lake meridian.	60 74 54 1 00 00 40 00	809 31 7 00 3 00	Payable out of certificate of deposit dated September 21, 1878. No. 6023; amount, \$30. Cost of field work, \$10.

B.—Statement showing condition of surveys of public lands contracted for and returned during the fiscal year ending June 30, 1879.

Deputy.	Contract.		Surveys.	Extent.	Cost.	Remarks.
	No.	Date.				
Newell E. Britt.....	84	1878. July 16	Exterior boundaries, being the fractional east boundary of township 27 south, range 13 west of the Salt Lake meridian.	<i>Ms. chs. lks.</i> 4 00 00	\$28 00	Payable out of certificate of deposit, dated July 5, 1878, No. 5813. Amount, \$200.
Joseph Gorlinski	85	Aug. 14	Subdivisions, being fractional survey in township 27 south, range 13 west of the Salt Lake meridian.	28 26 41	169 98	Cost of field work, \$197.98.
			Exterior boundaries being additional survey and resurvey of the north and west boundaries of township 8 south, range 2 east of the Salt Lake meridian.	5 43 34	38 79	Payable out of certificates of deposit, dated August 12, 1878, Nos. 5828, 5829, 5830, 5831, 5832, 5833, 5834, 5835, 5836, 5837, 5838, 5839, 5840, 5841, 5842, 5843, and 5844; also, certificates of deposit dated March 1, 1879, Nos. 18, 19, and 20. Amount, \$441.50.
			Subdivisions, being additional survey of township 7 south, range 2 east, and township 8 south, ranges 1 and 2 east of the Salt Lake meridian; containing all the lands formerly embraced in the Spanish Fork Indian Reservation.	61 64 06	370 81	Cost of field work, \$441.50.
Augustus D. Ferron...	86	Aug. 15	Meanders of Spanish Fork River and Utah Lake, in township 7 south, range 2 east and 8 south, ranges 1 and 2 east of the Salt Lake meridian.	5 25 27	31 90	
			Meridian lines, being the Ashley guide meridian, from the corner between ranges 22 and 23 east, on the first standard parallel south, north through townships 5, 4, 3, 2, and 1, south of Salt Lake base line.	7 03 35	70 42	The surveys under this contract amount to, \$5,483.34.
			Ditto mountainous or timbered	22 76 65	367 33	Disallowance on account approved March 24, 1879, (see commissioner's letter dated April 9, 1879)..... \$316 61
			Salt Lake base line, resurvey from corner to sections 1, 2, 35, and 36, in range 9 east; east to corner between ranges 9 and 10 east; then survey east to quarter section corner between sections 2 and 35 in range 10 east; then on an offset from corner to townships 2 and 3 north, ranges 12 and 13 east; east through ranges 13, 14, 15, 16, 17, 18, 19, and 20 east; then from corner to sections 25, 30, 31, and 36, in township 3 north, between ranges 21 and 22 east; east through ranges 22 and 23 east, and through townships 2 north, range 24 east; then on the regular base line from corner between ranges 24 and 25 east; west through ranges 24 and 23 east, and to corner to sections 1, 2, 35, and 36, in range 22 east of the Salt Lake meridian.	12 50 65	126 32	Excess..... 45 03
			Ditto mountainous or timbered	72 25 67	1,157 13	Excess on account approved April 29, 1879 (see commissioner's letter dated May 15, 1879)..... 121 70
			First standard parallel south, through ranges 21, 22, and 23 east; and second standard parallel south, from corner to sections 33 and 34, range 7 east; east through ranges 7, 8, and 9 east, then on offset from corner to townships 11 and 12 south, between ranges 9 and 10 east, east through range 10 east; through township 12 south, ranges 11, 12, 13, and 14 east, and through township 11 south, range 14 east; through township 10 south, ranges 15, 16, and 17, to corner to sections 26, 27, 34, and 35, in range 18 east of the Salt Lake meridian.	17 12 25	171 53	483 34
			Ditto mountainous or timbered	68 09 73	1,089 95	Amount of contract, \$5,000. The excess on surveys executed under this contract, amounting to \$166.73, will be included in a deficiency estimate to be submitted by the Commissioner of the General Land Office to Congress. (Commissioner's letters April 9 and May 15, 1879.)

Deputy.	Contract.		Surveys.	Extent.	Cost.	Remarks.
	No.	Date.				
Augustus D. Ferron— Continued.	86	1878. Aug. 15	Exterior boundaries, being the east boundary of township 1 north, range 24 east; fractional east and west boundary township 2 north, range 24 east; east boundary township 3 north, range 15 east; fractional west boundary township 3 north, range 21 east; south, east and west boundary of township 1 south, range 24 east; fractional east boundary township 4 south, range 21 east; north and west boundary township 5 south, range 22 east; north and east boundary township 5 south, range 23 east; fractional east boundary township 10 south, range 7 east; fractional west boundary township 10 south, range 15 east; east boundary township 11 south, range 9 east; fractional east boundary township 11 south, range 14 east; fractional east and west boundary township 12 south, range 12 east; and fractional west boundary township 12 south, range 14 east, of the Salt Lake meridian.	<i>Ms. chs. lks.</i> 41 72 36	\$293 32	
			Ditto mountainous or timbered	40 64 65	571 31	
			Subdivisions, fractional in township 1 north, ranges 10 and 24 east; township 2 north, range 24 east; township 3 north, ranges 20, 21, and 23 east; full township 5 south, range 23 east; fractional township 10 south, range 7 east; township 11 south, range 14 east, and township 12 south, ranges 11, 12, 13, and 14 east, of the Salt Lake meridian.	97 11 14	582 83	
Ferdinand Dickert.....	87	Aug. 17	Ditto mountainous or timbered	105 25 60	1,053 20	
			Meanders to the amount of 11 miles, 33 chains, and 83 links in township 5 south, range 23 east, were included in subdivision lines.			
			Meridian lines, being the Colorado meridian, from the standard corner to townships 25 and 26 south, between ranges 25 and 26 east; south through townships 26, 27, and 28 south; thence from corner to townships 28 and 29 south, between ranges 23 and 24 east; south to 53.50 chains south of corner to sections 19, 24, 25, and 30; township 29 south, between ranges 23 and 24 east; thence from corner to townships 32 and 33 south, between ranges 23 and 24 east, south through townships 33, 34, and 35 south, to the corner on the seventh standard parallel south, between ranges 23 and 24 east; thence from the corner on the seventh standard parallel south, between ranges 22 and 23 east, south through townships 36, 37, 38, 39, 40, 41, 42, 43, and to the corner to sections 7, 12, 13, and 18; township 44 south, between ranges 22 and 23 east of the Salt Lake meridian, intersecting the supposed northern boundary of Arizona Territory.	20 52 00	206 50	The surveys under this contract amounted to \$4,913.06, as represented by accounts rendered, viz: The account approved March 12, 1879.....\$2,633 59 By Commissioner's letter Mar. 31, 1879, deducted 329 70 2,503 89 The account approved April 18, 1879.....\$2,079 47 By Commissioner's letter Apr. 30, 1879, deducted 248 04 1,830 53
			Ditto mountainous or timbered	76 01 50	1,120 30	
			Standard lines, being the fifth standard parallel south from the corner between ranges 2 and 3 east; east through ranges 3, 4, 5, 6, and 7 to cor-	13 54 75	136 84	

			ner to sections 35 and 36, range 8 east; thence from the corner on the fifth standard parallel south, between ranges 14 and 15 east, east through ranges 15 and 16, and to corner to sections 31 and 32 in range 17 east; thence from corner to sections 34 and 35, range 21 east, east through ranges 21 22, 23, 24, 25, and 26 east.				
			Seventh standard parallel south, through range 23 east of the Salt Lake meridian (returned as south boundary of township 35 south, range 23 east).				
			Ditto mountainous or timbered.....	62	13	25	994 65
			Exterior boundaries, being fractional south boundary township 23 south, range 17 east; south boundary township 23 south, range 18 and 19 east; fractional north and east boundaries township 24 south, range 20 east; fractional west boundary township 25 south, range 21 east; west boundary township 26 south, range 15 east; fractional west boundary, township 26 south, range 22 east; fractional east boundary, township 27 south, ranges 9 and 11 east; west boundary township 27 south, range 15 east; north boundary and fractional west boundary, township 28 south, range 12 east; north boundary township 28 south, ranges 13 and 14 east; south boundary and fractional west boundary, township 28 south, range 25 east; north boundary township 29 south, range 24 east; fractional south boundary, township 32 south, range 23 east, and the south boundary township 35 south, range 23 east (the seventh standard parallel south) of the Salt Lake meridian.	22	05	00	-----
			Ditto mountainous or timbered.....	64	57	50	-----
			Subdivisions, being fractional surveys in township 23 south, ranges 16 and 17 east; township 24 south, ranges 16 and 20 east; township 25 south, ranges 16, 24, and 25 east; township 26 south, ranges 8, 21, and 22 east; township 27 south, ranges 8, 9, 10, and 11 east; township 28 south, ranges 24 and 25 east; township 29 south, range 24 east, and townships 30, 31, and 32 south, range 23 east of the Salt Lake meridian.	51	43	80	309 33
Adolphe Jessen.....	88	Sept. 17	Ditto mountainous or timbered.....	70	12	20	689 29
			Exterior boundaries, being fractional east boundary of township 1 north, range 1 east of the Salt Lake meridian.	1	12	00	8 05
			Ditto mountainous or timbered.....		68	00	11 90
			Subdivisions, being additional survey in township 1 north, range 1 east of the Salt Lake meridian.	2	19	00	13 42
			Ditto mountainous or timbered.....	3	60	45	37 56
Charles W. Hardy.....	89	Sept. 27	Base line, being resurvey in range 2 and 3 east of the Salt Lake meridian.	2	40	00	25 00
			Exterior boundaries, being fractional east boundary township 1 south, range 2 east of the Salt Lake meridian.	2	00	00	14 00
			Subdivisions, being fractional survey in township 1 south, range 2 east of the Salt Lake meridian.	12	01	46	72 11
Ernst Buettner.....	90	1879. Jan. 11	Subdivisions, being additional survey in township 7 south, range 3 east of the Salt Lake meridian.	6	00	00	36 00
			Total	2,182	65	09	21,473 28

By Commissioner's letter
June 23, 1879, allowance. 166 99

Total 4,501 41

The amount of contract, \$5,000 00

NOTE.—All the changes in the designation of lines under this contract, caused by the adjustments, are properly corrected in the description given in this table as well as on the plats on file in this office.

Payable out of certificates of deposit dated September 21, 1878, No. 6025, and December 16, 1878, No. 6194; amount \$71; cost of field work, \$70.93.

Payable out of certificates of deposit dated December 30, 1878, Nos 6228, 6229, 6230, 6231, and 6232; amount, \$180; cost of field work, \$111.11.

Payable out of certificates of deposit dated February 12, 1873, No. 184; amount, \$45; cost of field work, \$36.

FRED. SALOMON,
Surveyor General for Utah.

C.—Statement showing the number of townships, with character and extent of public surveys, and returned during the fiscal

Number of township.	Description.		Amount of surveys.					
	Township.	Range.	Base lines.	Meridian.	Standard.	Township.	Section.	Meanders.
			<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>
1	1 north ..	1 west						
2	20 south ..	1 east		3 00 00			1 00 18	
3	20 south ..	2 east			5 78 50	77 88	2 68 24	
4	21 south ..	1 east		2 00 00	2 40 00		1 00 00	
5	21 south ..	2 east				6 12 40	12 01 16	
6	21 south ..	1 west					4 19 42	
7	22 south ..	1 west				8 00 00	10 39 60	
8	23 south ..	1 west				2 00 00	32 02 12	
9	25 south ..	3 west				6 37 15	24 00 98	
10	25 south ..	4 west			4 00 00	6 00 00	20 79 67	
11	26 south ..	3 west			4 00 00	3 40 00	42 02 76	
12	26 south ..	4 west				3 40 00	13 12 16	
13	27 south ..	7 west					9 57 74	
14	27 south ..	8 west				3 00 00	26 78 63	
15	28 south ..	6 west					38 04 00	
16	28 south ..	7 west		1 00 00		1 38 86	6 77 19	
17	28 south ..	8 west				13 01 07	58 04 88	
18	29 south ..	8 west				4 00 00	48 04 73	
19	10 north ..	1 west				10 00 49	28 02 75	
20	11 north ..	1 east					6 40 84	
21	11 north ..	1 west				6 00 80	28 01 87	
22	11 north ..	2 west				14 40 06	24 02 49	
23	12 north ..	1 west				2 00 00	7 30 52	
24	12 north ..	2 west				6 00 32	11 01 20	
25	8 north ..	3 east				2 00 00	43 03 07	
26	9 north ..	3 east				14 00 32	60 00 79	
					2 40 00	12 00 06	60 06 63	
27	9 north ..	5 east			5 67 00	7 67 20	38 59 92	
28	9 north ..	4 east			6 00 00	12 00 20	60 05 92	
29	10 north ..	3 east				2 00 00	8 00 38	
30	10 north ..	5 east				9 66 60	30 16 79	
31	5 south ..	5 east		2 77 46		12 04 50	51 59 37	
32	9 south ..	3 east				3 40 00		
33	10 south ..	3 east				6 00 00		
34	11 south ..	1 east		6 00 00			8 00 36	
35	11 south ..	1 west			6 00 00	3 00 00	32 79 52	
36	12 south ..	1 west				12 00 00	24 00 32	
37	12 south ..	2 west				11 35 00	57 50 95	
38	6 north ..	1 west				1 00 00	40 00	

and amount of area of public lands, contracted for during the fiscal year ending June 30, 1878, year ending June 30, 1879.

Character and amount of area.				Date of survey.	Deputy.	Number of contract.	Additional area.
Agricultural public lands.	Returned as mineral land.	Returned as coal land.	Total.				
Acres.	Acres.	Acres.	Acres.				
640.00			640.00	June 26, 1878	Ang. D. Ferron	79	×
1,569.35	512.42		2,081.77	March 26 to 28, 1878	do	79	×
800.00			800.00	do	do	79	
3,117.64	877.20		3,994.84	March 26 to 29, 1878	do	79	×
1,263.28			1,263.28	March 28, 1878	do	79	
1,874.88			1,874.88	March 30 to April 1, 1878	do	79	×
4,960.64			4,960.64	April 2 to 4, 1878	do	79	×
4,400.00	2,785.15		7,185.15	April 5 to 8, 1878	do	79	
5,040.00			5,040.00	April 9 to 12, 1878	do	79	×
8,800.04			8,800.04	April 10 to 20, 1878	do	79	×
4,413.99			4,413.99	April 13 to 15, 1878	do	79	
3,680.48			3,680.48	April 15, 1878	do	79	
9,911.20			9,911.20	May 4 to 8, 1878	do	79	
11,680.00			11,680.00	May 9 to 11, 1878	do	79	
2,697.44			2,697.44	May 17, 1878	do	79	
23,037.04			23,037.04	April 24 to 29, 1878	do	79	
16,956.00			16,956.00	April 29 to May 4, 1878	do	79	
11,528.63			11,528.63	May 4 to 16, 1878	do	79	×
3,200.00			3,200.00	April 15 and 16, 1878	J. H. Martineau	80	×
4,563.83	3,862.69		7,926.52	Feb. 25 to March 5, 1878	do	80	×
4,327.92	1,765.60		6,093.52	March 17 to 19, 1878	do	80	×
2,720.80			2,720.80	May 1 to 3, 1878	do	80	×
1,690.92			1,690.92	March 8 to 11, 1878	do	80	×
14,001.28		800.96	14,802.24	May 4 to July 23, 1878	do	80	×
3,841.92	19,216.84		23,058.76	Oct. 28 to Nov. 11, 1878	do	80	
9,002.72	13,448.08		23,050.80	May 23 and November 18 to 30 1878	do	80	
9,629.46	6,080.00		15,709.46	September 10 to 24, 1878	do	80	×
	23,053.28		23,053.28	Sept. 7 to Oct. 26, 1878	do	80	
2,560.00			2,560.00	December 2 and 3, 1878	do	80	
11,534.71			11,534.71	Sept. 26 to Oct. 2, 1878	do	80	×
19,847.87			19,847.87	May 31 to June 20, 1878	Andrew J. Stewart, jr	81	×
				December 4, 1877	do	81	
				December 2 and 3, 1877	do	81	
961.72			961.72	November 12 and 13, 1877	do	81	×
7,633.30			7,633.30	November 12 to 19, 1877	do	81	×
7,893.68			7,893.68	March 20 to 26, 1878	do	81	×
20,975.60			20,975.60	March 26 to April 6, 1878	do	81	×
160.00			160.00	October 26, 1878	Obed A. Palmer	83	×

FRD. SALOMON,
Surveyor General for Utah.

D.—Statement showing the number of townships, with character and extent of public surveys,
June 30,

Number of township.	Description.		Amount of survey.					
	Township.	Range.	Base line.	Meridian.	Standard.	Township.	Section.	Meanders.
			<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>
1	27 south	13 west				4 00 00	28 26 41	
2	7 south	2 east					40 00	77 95
3	8 south	1 east					17 53 49	2 39 64
4	8 south	2 east				5 43 34	43 50 57	1 67 68
5	1 north	9 east	1 00 00					
6	1 north	10 east	4 40 00				16 42 34	
7	1 north	22 east	1 00 00					
8	1 north	23 east	6 00 00					
9	1 north	24 east	6 00 00			6 00 00	15 00 60	
10	2 north	13 east	5 78 74					
11	2 north	14 east	5 78 74					
12	2 north	15 east	5 78 74					
13	2 north	16 east	5 78 74					
14	2 north	17 east	5 78 74					
15	2 north	18 east	5 78 74					
16	2 north	19 east	5 78 74					
17	2 north	20 east	5 78 74					
18	2 north	24 east	5 78 80					
19	3 north	15 east				5 00 00	3 00 00	
20	3 north	20 east				3 61 58		
21	3 north	21 east					14 47 47	
22	3 north	22 east				1 65 73	19 70 69	
23	3 north	23 east	5 78 80				2 00 00	
24	1 south	23 east		6 00 00				
25	1 south	24 east				19 62 40		
26	2 south	22 east		6 00 00				
27	3 south	22 east		6 00 00				
28	4 south	21 east				4 00 00		
29	4 south	22 east		6 00 00				
30	5 south	21 east			6 00 00			
31	5 south	22 east			6 00 00	11 79 60		
32	5 south	23 east		6 00 00	6 00 00	12 00 70	71 37 27	
33	10 south	7 east			3 00 00	3 00 00	32 01 68	
34	10 south	8 east			6 00 00			
35	10 south	15 east			6 42 49	1 00 00		
36	10 south	16 east			6 00 00			
37	10 south	17 east			6 00 00			
38	10 south	18 east			3 70 19			
39	11 south	9 east			6 00 00	6 27 00		
40	11 south	14 east			2 00 00	1 00 00	5 00 00	
41	12 south	10 east			5 77 60	2 00 00		
42	12 south	11 east			5 77 80		2 00 00	
43	12 south	12 east			5 78 20	3 00 00	1 00 00	
44	12 south	13 east			5 77 90		12 78 54	
45	12 south	14 east			3 77 80	2 00 00	6 78 18	
46	23 south	16 east					3 00 00	
47	23 south	17 east				4 00 00	4 00 00	
48	23 south	18 east				6 00 00		
49	23 south	19 east				6 00 00		
50	24 south	16 east					5 55 00	
51	24 south	20 east				9 22 50	67 50	
52	25 south	3 east			6 00 00			
53	25 south	4 east			6 00 00			
54	25 south	5 east			6 00 00			
55	25 south	6 east			6 00 00			
56	25 south	7 east			6 00 00			
57	25 south	8 east			4 40 00			
58	25 south	16 east			6 00 00		6 00 00	
59	25 south	17 east			1 00 00			
60	25 south	21 east			3 28 00	2 00 00	2 00 00	
61	25 south	23 east			6 00 00			
62	25 south	24 east			2 00 00		4 00 50	
63	25 south	25 east			5 00 00		2 00 00	
64	25 south	26 east			6 00 00			
65	26 south	8 east					6 00 00	
66	26 south	15 east			6 00 00	6 00 00		
67	26 south	21 east					40 00	
68	26 south	22 east			6 00 00	1 40 00	3 51 00	

and amount of area of public lands contracted for and returned during the fiscal year ending 1879.

Character and amount of area.				Date of survey.	Deputy.	Number of contract.	Additional area.
Agricultural public lands.	Returned as mineral land.	Returned as coal land.	Total.				
<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>				
9,448.92			9,448.92	August 16 to 20, 1878	Newell E. Britt	84	
156.71			156.71	October 5, 1878	Joseph Gorlinski	85	
3,745.79			3,745.79	Sept. 23 to Oct. 4, 1878	do	85	
8,041.61			8,041.61	Sept. 23 to Oct. 1, 1878	do	85	
				September 9, 1878	Aug. D. Ferron	86	
4,326.94			4,326.94	September 9 to 12, 1878	do	86	
				October 11, 1878	do	86	
				do	do	86	
5,440.00			5,440.00	October 7 to 10, 1878	do	86	
				September 16 and 19, 1878	do	86	
				September 19 and 20, 1878	do	86	
				September 21, 1878	do	86	
				September 23, 1878	do	86	
				do	do	86	
				September 24, 1878	do	86	
				September 24 and 25, 1878	do	86	
				September 25, 1878	do	86	
				October 4 to 6, 1878	do	86	
				September 20, 1878	do	86	
4,214.44			4,214.44	Sept. 30 to Oct. 1, 1878	do	86	
4,738.27			4,738.27	September 26 and 27, 1878	do	86	
				October 2, 1878	do	86	
				October 3, 1878	do	86	
				October 15, 1878	do	86	
				October 11 and 13, 1878	do	86	
				October 16, 1878	do	86	
				October 17, 1878	do	86	
				December 26, 1878	do	86	
				October 18, 1878	do	86	
				October 22 and 23, 1878	do	86	
				Oct. 22 to Dec. 7, 1878	do	86	
20,213.49		2,840.36	23,053.85	Oct. 19 to Dec. 24, 1878	do	86	
11,041.60			11,041.60	Nov. 3, 1878, and April 15 to 18, 1879	do	86	
				November 14, 1878	do	86	
				November 23, 1878	do	86	
				November 30, 1878	do	86	
				December 2, 1878	do	86	
				December 3, 1878	do	86	
				November 15 and 16, 1878	do	86	
				November 28 and 29, 1878	do	86	
				November 18, 1878	do	86	
				November 19, 1878	do	86	
				November 19 and 20, 1878	do	86	
4,622.80			4,622.80	November 23 and 25, 1878	do	86	
2,225.04			2,225.04	November 26 and 27, 1878	do	86	
				November 6 and 8, 1878	Ferdinand Dickert	87	
				November 8 and 9, 1878	do	87	
				November 9, 1878	do	87	
				November 9 and 11, 1878	do	87	
				November 4 to 6, 1878	do	87	
				November 11 and 12, 1878	do	87	
				October 8, 1878	do	87	
				October 9 and 10, 1878	do	87	
				October 10, 1878	do	87	
				October 11, 1878	do	87	
				October 12, 1878	do	87	
				October 14, 1878	do	87	
				November 2 and 4, 1878	do	87	
				November 2, 1878	do	87	
				November 13 and 14, 1878	do	87	
				November 26, 1878	do	87	
				November 19, 1878	do	87	
				November 20, 1878	do	87	
				November 21, 1878	do	87	
				October 16, 1878	do	87	
				November 1 and 2, 1878	do	87	
320.00			320.00	November 15, 1878	do	87	
960.00			960.00	November 15 and 16, 1878	do	87	

D.—Statement showing the number of townships, with char

Number of township.	Description.		Amount of survey.					
	Township.	Range.	Base line.	Meridian.	Standard.	Township.	Section.	Meanders.
			<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>	<i>M. chs. lks.</i>
69	26 south...	25 east...		6 00 00				
70	27 south...	8 east...					5 00 00	
71	27 south...	9 east...				1 00 00	6 00 00	
72	27 south...	10 east...					6 00 00	
73	27 south...	11 east...				5 00 00	6 00 00	
74	27 south...	15 east...				6 00 00		
75	27 south...	25 east...		6 00 00				
76	28 south...	12 east...				7 00 00		
77	28 south...	13 east...				6 00 00		
78	28 south...	14 east...				6 00 00		
79	28 south...	24 east...					4 00 26	
80	28 south...	25 east...		6 00 00		8 00 00	23 41 53	
81	29 south...	23 east...		4 53 50				
82	29 south...	24 east...				6 00 00	15 40 21	
83	30 south...	23 east...					6 00 00	
84	31 south...	23 east...					6 00 00	
85	32 south...	23 east...				1 00 00	6 00 00	
86	33 south...	23 east...		6 00 00				
87	34 south...	23 east...		6 00 00				
88	35 south...	23 east...		6 00 00		6 00 00		
89	36 south...	22 east...		6 00 00				
90	37 south...	22 east...		6 00 00				
91	38 south...	22 east...		6 00 00				
92	39 south...	22 east...		6 00 00				
93	40 south...	22 east...		6 00 00				
94	41 south...	22 east...		6 00 00				
95	42 south...	22 east...		6 00 00				
96	43 south...	22 east...		6 00 00				
97	44 south...	22 east...		2 00 00				
98	1 north...	1 east...				2 00 00	5 79 45	
99	1 south...	2 east...	2 00 00			2 00 00	12 01 46	
100	1 south...	3 east...	40 00					
101	7 south...	3 east...					6 00 00	
	Total ..		86 66 32	135 50 96	197 75 48	388 25 76	1,368 61 30	5 25 27

acter and extent of public surveys, &c.—Continued.

Character and amount of area.				Date of survey.	Deputy.	Number of contract.	Additional area.
Agricultural public lands.	Returned as mineral land.	Returned as coal land.	Total.				
Acres.	Acres.	Acres.	Acres.				
.....	November 22, 1878	Ferdinand Dickert..	87	
.....	October 16 and 22, 1878	do	87	
.....	October 22 and 23, 1878	do	87	
.....	October 25, 1878	do	87	
.....	October 25 to 28, 1878	do	87	
.....	Oct. 31 and Nov. 1, 1878	do	87	
.....	November 22 and 23, 1878	do	87	
.....	October 28 and 29, 1878	do	87	
.....	October 29 and 30, 1878	do	87	
.....	October 30 and 31, 1878	do	87	
1,440.00	1,440.00	November 30, 1878	do	87	
8,162.24	8,162.24	November 23 to 29, 1878	do	87	
.....	December 2, 1878	do	87	
4,640.88	4,640.88	Nov. 30 and Dec. 20 & 21, '78	do	87	
.....	December 2, 1878	do	87	
.....	December 3, 1878	do	87	
.....	December 3 and 4, 1878	do	87	
.....	December 4, 1878	do	87	
.....	December 5, 1878	do	87	
.....	December 5 to 7, 1878	do	87	
.....	December 7 to 9, 1878	do	87	
.....	December 9, 1878	do	87	
.....	December 10, 1878	do	87	
.....	December 10 to 11, 1878	do	87	
.....	December 11 and 12, 1878	do	87	
.....	December 12, 1878	do	87	
.....	December 13, 1878	do	87	
.....	December 13 and 14, 1878	do	87	
.....	December 14, 1878	do	87	
2,050.00	2,050.00	October 23 to 26, 1878	Adolphe Jessen	88	×
3,844.72	3,844.72	October 22 to 27, 1878	Charles W. Hardy	89	
.....	October 22, 1878	do	89	
240.00	240.00	February 15, 1879	Ernest Buettner	90	×
341,889.79	71,101.26	3,641.32	416,132.37				

FRD. SALOMON,
Surveyor General for Utah.

E.—Statement of approval of public surveys and transmission of copies of the same to the General Land Office and to the district land office during the fiscal year ending June 30, 1879.

Number of township.	Description.		Original plats and field notes filed in this office.		Duplicates transmitted to the General Land Office.		Triplicates transmitted to the district land office.				
	Township.	Range.	Plats.	Field notes.	Plats.	Transcripts.	Transmitted.	Plats.	Descriptive lists.	Transmitted.	
1	1 north	1 west	1	2	Aug. 1, 1878	1	2	Aug. 2, 1878	1	2	Nov. 4, 1878
2	20 south	1 east	1	3	do	1	3	do	1	2	Do.
3	20 south	2 east	1	1	do	1	1	do	1	2	Do.
4	21 south	1 east	1	3	do	1	3	do	1	2	Do.
5	21 south	2 east	1	1	do	1	1	do	1	2	Do.
6	21 south	1 west	1	2	do	1	2	do	1	2	Do.
7	22 south	1 west	1	2	do	1	2	do	1	2	Do.
8	23 south	1 west	1	2	do	1	2	do	1	2	Do.
9	25 south	3 west	1	3	do	1	3	do	1	2	Do.
10	25 south	4 west	1	2	do	1	2	do	1	2	Do.
11	26 south	3 west	1	2	do	1	2	do	1	2	Do.
12	26 south	4 west	1	1	do	1	1	do	1	2	Do.
13	27 south	7 west	1	2	do	1	2	do	1	2	Do.
14	27 south	8 west	1	1	do	1	1	do	1	2	Do.
15	28 south	6 west	1	3	do	1	3	do	1	2	Do.
16	28 south	7 west	1	2	do	1	2	do	1	2	Do.
17	28 south	8 west	1	2	do	1	2	do	1	2	Do.
18	19 south	8 west	1	2	do	1	2	do	1	2	Do.
19	10 north	1 west	1	1	Sept. 4, 1878	1	1	Sept. 5, 1878	1	2	Mar. 28, 1879
20	11 north	1 east	1	2	do	1	2	do	1	2	Do.
21	11 north	1 west	1	4	do	1	4	do	1	2	Do.
22	11 north	2 west	1	2	do	1	2	do	1	2	Do.
23	12 north	1 west	1	2	do	1	2	do	1	2	Do.
24	12 north	2 west	1	2	do	1	2	do	1	2	Do.
25	27 south	13 west	1	1	Nov. 26, 1878	1	1	Nov. 26, 1878	1	2	Apr. 15, 1879
26	1 north	1 east	1	2	Dec. 19, 1878	1	2	Dec. 19, 1878	1	2	Jan. 24, 1879
27	5 south	5 east	1	2	Dec. 31, 1878	1	2	Jan. 6, 1879	1	2	Apr. 7, 1879
28	9 south	3 east	1	1	do	1	1	do	1	2	Do.
29	10 south	3 east	1	1	do	1	1	do	1	2	Do.
30	11 south	1 east	1	2	do	1	2	do	1	2	Do.
31	11 south	1 west	1	3	do	1	3	do	1	2	Do.
32	12 south	1 west	1	2	do	1	2	do	1	2	Do.
33	12 south	2 west	1	2	do	2	2	do	1	2	Do.
34	1 south	2 east	1	1	Jan. 8, 1879	1	1	Jan. 8, 1879	1	2	Feb. 1, 1879
35	1 south	3 east	1	1	do	1	1	do	1	2	Do.
36	1 north	9 east	1	1	Jan. 20, 1879	1	1	Jan. 20, 1879	1	2	June 4, 1879
37	1 north	10 east	1	2	do	1	2	do	1	2	Do.
38	2 north	13 east	1	1	do	1	1	do	1	2	Do.
39	2 north	14 east	1	1	do	1	1	do	1	2	Do.
40	2 north	15 east	1	1	do	1	1	do	1	2	Do.
41	2 north	16 east	1	1	do	1	1	do	1	2	Do.
42	2 north	17 east	1	1	do	1	1	do	1	2	Do.
43	2 north	18 east	1	1	do	1	1	do	1	2	Do.
44	2 north	19 east	1	1	do	1	1	do	1	2	Do.
45	2 north	20 east	1	1	do	1	1	do	1	2	Do.
46	3 north	21 east	1	2	do	1	2	do	1	2	Apr. 4, 1879
47	8 north	3 east	1	3	Feb. 24, 1879	1	3	Feb. 24, 1879	1	2	May 2, 1879
48	9 north	3 east	1	2	do	1	2	do	1	2	Do.
49	9 north	4 east	1	2	do	1	2	do	1	2	Do.
50	9 north	5 east	1	2	do	1	2	do	1	2	Do.
51	10 north	3 east	1	2	do	1	2	do	1	2	Do.
52	10 north	5 east	1	2	do	1	2	do	1	2	Do.
53	7 south	2 east	1	1	Mar. 5, 1879	1	1	Mar. 5, 1879	1	1	Mar. 27, 1879
54	8 south	1 east	1	2	do	1	2	do	1	2	
55	8 south	2 east	1	2	do	1	2	do	1	2	
56	23 south	16 east	1	1	Mar. 11, 1879	1	1	Mar. 12, 1879	1	2	
57	23 south	17 east	1	1	do	1	1	do	1	2	
58	23 south	18 east	1	1	do	1	1	do	1	2	
59	23 south	19 east	1	1	do	1	1	do	1	2	
60	24 south	16 east	1	1	do	1	1	do	1	2	
61	24 south	20 east	1	1	do	1	1	do	1	2	
62	25 south	3 east	1	1	do	1	1	do	1	2	
63	25 south	4 east	1	1	do	1	1	do	1	2	
64	25 south	5 east	1	1	do	1	1	do	1	2	
65	25 south	6 east	1	1	do	1	1	do	1	2	
66	25 south	7 east	1	1	do	1	1	do	1	2	
67	25 south	8 east	1	1	do	1	1	do	1	2	
68	25 south	16 east	1	1	do	1	1	do	1	2	
69	25 south	17 east	1	1	do	1	1	do	1	2	
70	25 south	21 east	1	1	do	1	1	do	1	2	
71	25 south	23 east	1	1	do	1	1	do	1	2	

Contained in seven volumes.

Contained in seven volumes.

E.—Statement of approval of public surveys, &c.—Continued.

Number of townships.	Description.		Original plats and field notes filed in this office.		Duplicates transmitted to the General Land Office.		Triplicates transmitted to the district land office.		
	Township.	Range.	Plats.	Field notes.	Plats.	Transcripts.	Plats.	Descriptive lists.	Transmitted.
72	25 south	24 east	1	Contained in seven volumes.	Mar. 11, 1879	1	Contained in seven volumes.	Mar. 12, 1879	
73	25 south	25 east	1		do	1		do	
74	25 south	26 east	1		do	1		do	
75	26 south	8 east	1		do	1		do	
76	26 south	15 east	1		do	1		do	
77	26 south	21 east	1		do	1		do	
78	26 south	22 east	1		do	1		do	
79	27 south	8 east	1		do	1		do	
80	27 south	9 east	1		do	1		do	
81	27 south	10 east	1		do	1		do	
82	27 south	11 east	1		do	1		do	
83	27 south	15 east	1		do	1		do	
84	28 south	12 east	1		do	1		do	
85	28 south	13 east	1		do	1		do	
86	28 south	14 east	1		do	1		do	
87	7 south	3 east	1	Contained in seven volumes.	do	1	Contained in seven volumes.	Mar. 11, 1879	
88	6 north	1 west	1		Mar. 19, 1879	1		Mar. 19, 1879	
89	1 north	22 east	1		Mar. 24, 1879	1		Mar. 25, 1879	
90	1 north	23 east	1		do	1		do	
91	1 north	24 east	1		do	1		do	
92	2 north	24 east	1		do	1		do	
93	3 north	15 east	1		do	1		do	
94	3 north	20 east	1		do	1		do	
95	3 north	22 east	1		do	1		do	
96	3 north	23 east	1		do	1		do	
97	1 south	23 east	1	Contained in seven volumes.	do	1	Contained in seven volumes.	do	
98	1 south	24 east	1		do	1		do	
99	2 south	22 east	1		do	1		do	
100	3 south	22 east	1		do	1		do	
101	4 south	21 east	1		do	1		do	
102	4 south	22 east	1		do	1		do	
103	5 south	21 east	1		do	1		do	
104	5 south	22 east	1		do	1		do	
105	5 south	23 east	1		do	1		do	
106	10 south	7 east	1		do	1		do	
107	10 south	8 east	1	Contained in five volumes.	do	1	Contained in five volumes.	do	
108	10 south	15 east	1		do	1		do	
109	10 south	16 east	1		do	1		do	
110	10 south	17 east	1		do	1		do	
111	10 south	18 east	1		do	1		do	
112	11 south	9 east	1		do	1		do	
113	11 south	14 east	1		do	1		do	
114	12 south	10 east	1		do	1		do	
115	12 south	11 east	1		do	1		do	
116	12 south	12 east	1		do	1		do	
117	12 south	13 east	1	Contained in five volumes.	do	1	Contained in five volumes.	do	
118	12 south	14 east	1		do	1		do	
119	26 south	25 east	1		Apr. 18, 1879	1		Apr. 18, 1879	
120	27 south	25 east	1		do	1		do	
121	28 south	24 east	1		do	1		do	
122	28 south	25 east	1		do	1		do	
123	29 south	23 east	1		do	1		do	
124	29 south	24 east	1		do	1		do	
125	30 south	23 east	1		do	1		do	
126	31 south	23 east	1		do	1		do	
127	32 south	23 east	1	Contained in five volumes.	do	1	Contained in five volumes.	do	
128	33 south	23 east	1		do	1		do	
129	34 south	23 east	1		do	1		do	
130	35 south	23 east	1		do	1		do	
131	36 south	22 east	1		do	1		do	
132	37 south	22 east	1		do	1		do	
133	38 south	22 east	1		do	1		do	
134	39 south	22 east	1		do	1		do	
135	40 south	22 east	1		do	1		do	
136	41 south	22 east	1		do	1		do	
137	42 south	22 east	1	Contained in five volumes.	do	1	Contained in five volumes.	do	
138	43 south	22 east	1		do	1		do	
139	44 south	22 east	1		do	1		do	
140	5 south	22 east	1		do	1		do	
141	10 south	7 east	1	1	Mar. 24, 1879	1	1	Apr. 2, 1879	
			2	2	Apr. 28, 1879	2	2	Apr. 30, 1879	
			141	143			62	122	

FRD. SALOMON
Surveyor General for Utah.

F.—Statement showing the number of linear miles run, the rate per mile, and the total cost of public surveys, under the regular appropriation, as returned in Utah, during the fiscal year ending June 30, 1879.

Description.	Distance.			Rate per mile.	Amount.
	M.	chs.	Uks.		
Meridian lines.....	41	27	81	\$10 00	\$413 47
Meridian lines, mountainous and timbered.....	93	23	15	16 00	1, 492 63
Base lines.....	12	50	65	10 00	126 32
Base lines, mountainous and timbered.....	72	25	67	16 00	1, 157 13
Standard lines.....	46	63	25	10 00	467 90
Standard lines, mountainous and timbered.....	151	12	23	16 00	2, 418 45
Township lines.....	146	33	18	7 00	1, 024 87
Township lines, mountainous and timbered.....	227	29	24	14 00	3, 183 10
Section lines.....	551	62	85	6 00	3, 310 75
Section lines, mountainous and timbered.....	701	66	74	10 00	7, 011 14
Total.....	2, 044	74	77		20, 605 76

FRD. SALOMON,
Surveyor General for Utah.

G.—Statement showing the number of linear miles run, the rate per mile, and the total cost of public surveys under special deposits, as returned in Utah, during the fiscal year ending June 30, 1879.

Description.	Distance.			Rate per mile.	Amount.
	M.	chs.	Uks.		
Base lines.....	2	40	00	\$10 00	\$25 00
Township lines.....	13	55	34	7 00	95 84
Township lines, mountainous and timbered.....		68	00	14 00	11 90
Section lines.....	110	70	93	6 00	665 82
Section lines, mountainous and timbered.....	3	60	45	10 00	37 56
Meanders.....	5	25	27	6 00	31 90
Total.....	136	79	99		867 52

RECAPITULATION OF TOTAL NUMBER OF LINEAR MILES RUN, WITH COSTS, AS RETURNED IN UTAH, DURING THE FISCAL YEAR ENDING JUNE 30, 1879.

By the regular appropriation, total.....	2, 044	74	77	\$20, 605 76
By the special deposits, total.....	136	79	99	867 52
Grand total.....	2, 181	74	76	21, 473 28

FRD. SALOMON,
Surveyor General for Utah.

H.—Statement showing the number of acres of public lands surveyed in Utah Territory.

Number of acres of public land surveyed up to June 30, 1878.....	8, 178, 819.97
Number of acres of public land returned during the fiscal year ending June 30, 1879.....	416, 132.37
Total up to June 30, 1879.....	8, 594, 952.34

FRD. SALOMON,
Surveyor General for Utah.

1.—Statement of special deposits made by individuals for survey of public lands in Utah for the fiscal year ending June 30, 1879.

Certificate of deposit.		Depositor.	Survey.	Where deposited.	Field work.	Office work.
Date.	Number.					
1878.						
July 5	5813	W. Boatright	Township 27 south, range 13 west.	First National Bank, Denver, Colo.	\$200 00	-----
5	5814	...do .....	...do .....	...do	-----	\$30 00
Aug. 12	5928	L. Jones	Township 7 south, range 2 east, and township 8 south, ranges 1 and 2 east.	...do	40 00	-----
12	5929	E. B. K. Ferguson .....	...do .....	...do	25 00	-----
12	5930	Wm. Ferguson .....	...do .....	...do	25 00	-----
12	5931	B. Argyle .....	...do .....	...do	20 00	-----
12	5932	G. Chambers .....	...do .....	...do	15 00	-----
12	5933	J. E. Beck .....	...do .....	...do	15 00	-----
12	5934	T. N. King .....	...do .....	...do	40 00	-----
12	5935	C. Measerm .....	...do .....	...do	10 00	-----
12	5936	J. M. Bellows .....	...do .....	...do	10 00	-----
12	5937	W. F. Carter .....	...do .....	...do	10 00	-----
12	5938	Z. West .....	...do .....	...do	10 00	-----
12	5939	J. Hone .....	...do .....	...do	15 00	-----
12	5940	J. Chambers .....	...do .....	...do	5 00	-----
12	5941	K. T. Buttler .....	...do .....	...do	10 00	-----
12	5942	W. Ashby .....	...do .....	...do	25 00	-----
12	5943	W. Creer .....	...do .....	...do	25 00	-----
12	5944	T. Bates .....	...do .....	...do	40 00	-----
12	5945	L. Jones .....	...do .....	...do	-----	10 00
12	5946	T. N. King .....	...do .....	...do	-----	20 00
12	5947	J. M. Bellows .....	...do .....	...do	-----	10 00
12	5948	Z. West .....	...do .....	...do	-----	10 00
12	5949	T. Bates .....	...do .....	...do	-----	10 60
Sept. 21	6023	Brigham Stowell	Township 6 north, range 1 west.	...do	30 00	-----
21	6024	...do .....	...do .....	...do	-----	25 00
21	6025	G. W. Blodgett	Township 1 north, range 1 east.	...do	34 00	-----
21	6026	...do .....	...do .....	...do	-----	25 00
Dec. 16	6194	...do .....	...do .....	...do	37 00	-----
30	6228	Binas Dixon	Township 1 south, range 2 east.	...do	60 00	-----
30	6229	Peter Olsen .....	...do .....	...do	20 00	-----
30	6233	Edward Laird .....	...do .....	...do	-----	25 00
30	6232	...do .....	...do .....	...do	30 00	-----
30	6231	Richard Winmill .....	...do .....	...do	40 00	-----
30	6230	W. B. Hardy .....	...do .....	...do	30 00	-----
1879.						
Mar. 1	18	T. N. King	Township 7 south, range 2 east, and township 8 south, ranges 1 and 2 east.	Deseret National Bank, Salt Lake City, Utah.	50 00	-----
1	19	T. Bates .....	...do .....	...do	41 50	-----
1	20	G. Chambers .....	...do .....	...do	10 00	-----
26	34	Jefferson Huff	Township 3 south, range 4 west.	...do	25 00	-----
26	35	...do .....	...do .....	...do	-----	25 00
28	37	Julius Christensen	Townships 18, 19, and 20 south, ranges 1 and 2 east and 1 west.	...do	200 00	-----
28	38	Theodore Christensen .....	...do .....	...do	200 00	-----
28	39	Isaac N. Parker .....	...do .....	...do	200 00	-----
28	40	James E. Allred .....	...do .....	...do	1,400 00	-----
28	41	Henry Kearnes .....	...do .....	...do	-----	200 00
June 30	205	Carl Lorensen	Township 6 north, range 1 west.	...do	20 00	-----
30	206	...do .....	...do .....	...do	-----	25 00
Total					2,987 50	415 00

FRED. SALOMON,
Surveyor General for Utah.

J.—Statement showing the mineral claims surveyed, by whom surveyed, date and number of certificates of deposit, for office work, during the fiscal year ending June 30, 1879.

No. of lot.	Name of claim.	Deputy.	Date of certificate of deposit.	No. of certificate of deposit.	Amount of deposit.
<i>West Mountain District.</i>					
*170	Dorah lode	F. Eastman	Aug. 21, 1879	391	†\$25
*171	Tilden lode	J. Gorkinski	Aug. 21, 1879	392	†25
*172	Mineral Point	F. Eastman	Aug. 21, 1879	393	†25
*173	Harriet lode	do	Aug. 21, 1879	394	†25
174	Stewart lode	E. B. Wilder	Dec. 30, 1878	6220	†25
175	Amelia lode	F. Eastman	Dec. 30, 1878	6221	130
176	Saginaw lode	do	Dec. 30, 1878	6222	†25
177	Charles A. Dana	W. Bredemeyer	Dec. 30, 1878	6223	†25
178	Agnes No. 2	do	Dec. 30, 1878	6224	†25
179	Bonham	F. Eastman	Dec. 30, 1878	6225	†25
*180	Nick of the Woods	J. Gorkinski	Aug. 21, 1879	395	†35
*181	Constitution	O. A. Palmer	Aug. 21, 1879	396	†25
*182	Gold and Silver	C. L. Stevenson	Aug. 21, 1879	397	†25
*183	Ireland & Watson (placer)	F. Eastman	Aug. 21, 1879	398	†25
*184	Wide West No. 2	R. H. Browne	Aug. 21, 1879	399	†25
*185	Sunrise	do	Aug. 21, 1879	400	†25
*186	Red Rover	F. Eastman	Aug. 21, 1879	401	†25
*187	Edison	E. B. Wilder	Aug. 21, 1879	402	†25
*188	Fraction	do	Aug. 21, 1879	403	†25
189	Bobtail	O. A. Palmer	Mar. 26, 1879	36	†25
*190	Golden Crown	do	Aug. 21, 1879	404	†25
191	Amanda	C. L. Stevenson	Apr. 1, 1879	45	†25
*192	Overland	E. B. Wilder	Aug. 21, 1879	405	†25
*193	Stewart No. 2	do	Aug. 21, 1879	406	†25
194	Ingersoll	do	May 1, 1879	148	†25
195	O. K.	R. H. Browne	May 5, 1879	158	†30
196	Lulu	E. Wilkes	May 13, 1879	169	†25
197	Baby Mine	C. L. Stevenson	May 26, 1879	173	†25
198	Saint Bartholomew	E. B. Wilder	June 9, 1879	185	†25
199	Colonel Sellers	do	June 9, 1879	185	†25
200	Mighty Dollar	do	June 9, 1879	185	†25
201	Mill City	O. A. Palmer	May 31, 1879	175	†25
202	Apex	do	May 31, 1879	176	†25
203	Honest Abe	W. Bredemeyer	June 16, 1879	198	†25
*204	Bull Dozer	E. Wilkes	Aug. 21, 1879	407	†25
205	Golden Era	F. Dickert	June 30, 1878	210	†25
<i>Little Cottonwood District.</i>					
*111	Flora	F. Dickert	Aug. 21, 1879	408	†25
*112	Flora No. 2	do	Aug. 21, 1879	409	†25
*113	Louisa	do	Aug. 21, 1879	410	†25
*114	Fritz mine	do	Aug. 21, 1879	411	†25
*115	North Pole	do	Deposit returned.	-----	-----
*116	Sedan	do	Aug. 21, 1879	412	†25
117	Cedar	do	Dec. 30, 1878	6216	†25
118	Jones & Paddock No. 2	L. J. Holmes	Dec. 30, 1878	6217	†34
119	Braine	F. Dickert	Dec. 30, 1878	6218	†25
120	Fuller	do	Withdrawn, and deposit returned.	-----	-----
121	Jones & Paddock	L. J. Holmes	No deposit made.	-----	-----
122	Lavinia	M. T. Burgess	Deposit returned.	-----	-----
<i>Big Cottonwood district.</i>					
*99	Amanda	F. Dickert	Aug. 21, 1879	429	†25
100	Belshazzar	E. B. Wilder	Dec. 30, 1878	6213	†30
101	Matilda	A. F. Doremus	Dec. 30, 1878	6214	†40
102	Great Western	do	Dec. 30, 1878	6215	†35
*103	Granite	do	Aug. 21, 1879	413	†40
104	Hayes	O. A. Palmer	Aug. 21, 1879	414	†25
105	Robinson	do	Deposit ret'd	-----	-----
*106	Monster	C. L. Stevenson	Aug. 21, 1879	430	†25
*107	Monster No. 2	do	Aug. 21, 1879	431	†25
108	Washington	F. Dickert	June 6, 1879	182	†25
109	Silver Mountain	do	June 11, 1879	193	†25
110	Vina	A. Jessen	June 26, 1879	202	†30

* Deposits made since June 30, 1879.

† Deposits made in First National Bank, Denver, Colo.

‡ Deposits made in Deseret National Bank, Salt Lake City.

J.—Statement showing the mineral claims surveyed, &c.—Continued.

No. of lot.	Name of claim.	Deputy.	Date of certificate of deposit.	No. of certificate of deposit.	Amount of deposit.
<i>Ophir district.</i>					
127	Pine Grove.....	E. B. Wilder.....	Dec. 30, 1878	6219	†\$30
128	Eureka.....	W. Bredemeyer.....	Feb. 26, 1879	13	‡25
<i>Uintah district.</i>					
*64	Hidden Treasure.....	J. Gorlinski.....	Aug. 21, 1879	415	‡30
65	Jennie Powers.....	F. Eastman.....	Feb. 28, 1879	14	‡30
66	Silver Treasure.....	do.....	Feb. 28, 1879	16	‡40
66	do.....	do.....	Apr. 26, 1879	181	‡5
67	Little Maud.....	do.....	Feb. 28, 1879	15	‡25
67	do.....	do.....	Apr. 26, 1878	132	‡10
68	Great Western.....	O. A. Palmer.....	Mar. 1, 1879	22	‡25
69	A. Wide West No. 2.....	do.....	Mar. 25, 1879	32	‡25
69	B. Wide West No. 2, mill site.....	do.....	Mar. 25, 1879	32	‡10
70	Henrietta.....	J. Gorlinski.....	Apr. 22, 1879	119	‡25
71	McKay.....	F. Eastman.....	June 10, 1879	189	‡25
72	Challenger.....	do.....	June 10, 1879	187	‡25
73	Corr.....	do.....	June 10, 1879	188	‡25
74	Celeste.....	do.....	June 10, 1879	186	‡40
75	Cave.....	do.....	June 10, 1879	204	‡25
<i>San Francisco district.</i>					
41	Frisco, mill site.....	R. H. Browne.....	Dec. 30, 1878	6226	‡25
*42	Florida.....	F. Olmstead.....	Aug. 21, 1879	424	‡25
*43	Antwerp.....	do.....	Aug. 21, 1879	425	‡25
44	Frisco Reduction Works, mill site.....	E. Buettner.....	Apr. 28, 1879	134	‡25
*45	Rattler.....	F. Olmstead.....	Aug. 21, 1879	426	‡25
*46	Carbonate.....	do.....	Aug. 21, 1879	427	‡25
<i>Harrisburg district.</i>					
57	Californian.....	A. H. Barker.....	Deposit ret'd	-----	-----
58	Day, mill site.....	J. Macfarlane.....	Deposit ret'd	-----	-----
*59	Savage.....	do.....	Aug. 21, 1879	428	‡25
<i>Grantsville district.</i>					
*37	Third Term.....	J. Gorlinski.....	Aug. 21, 1879	416	‡25
*38	West Mountain Chief.....	C. L. Stevenson.....	Aug. 21, 1879	417	‡25
<i>Pinto Iron Mining district.</i>					
37	Duncan.....	A. J. Stewart, jr.....	Apr. 12, 1879	84	‡25
§38	Atlas.....	do.....	Apr. 12, 1879	71	‡25
§39	Soft Iron Deposit.....	do.....	Apr. 12, 1879	75	‡25
§40	Pot Metal, S. extension.....	do.....	Apr. 12, 1879	77	‡25
§41	Adelaide.....	do.....	Apr. 12, 1879	78	‡25
§42	Black Warrior.....	do.....	Apr. 12, 1879	83	‡25
§43	Constantine No. 2.....	do.....	Apr. 12, 1879	85	‡25
44	Blow Out.....	do.....	Apr. 12, 1879	79	‡25
45	Chesapeake No. 1.....	do.....	Apr. 12, 1879	80	‡25
46	Excelsior Great Western Iron Mountain.....	do.....	Apr. 12, 1879	81	‡25
47	Ex. Mountain Peak.....	do.....	Apr. 12, 1879	74	‡25
48	Mountain Peak.....	do.....	Apr. 12, 1879	73	‡25
49	Pot Metal.....	do.....	Apr. 12, 1879	76	‡25
§50	Constantine No. 3.....	do.....	Apr. 12, 1879	86	‡25
§51	Constantine No. 4.....	do.....	Apr. 12, 1879	87	‡25
§52	Constantine No. 5.....	do.....	Apr. 12, 1879	88	‡25
§53	Constantine No. 7.....	do.....	Apr. 12, 1879	89	‡25
54	Black Magnetic.....	do.....	Apr. 12, 1879	82	‡25
§55	Duncan No. 6.....	do.....	Apr. 12, 1879	90	‡25
<i>Millard County.</i>					
37	A. Howard.....	E. Wilkes.....	May 8, 1879	} 161	‡35
37	B. Howard, mill site.....	do.....	May 8, 1879		

* Deposits made since June 30, 1879.

† Deposits made in First National Bank, Denver, Colo.

‡ Deposits made in Deseret National Bank, Salt Lake City.

§ Not returned June 30, 1879.

J.—Statement showing the mineral claims surveyed, &c.—Continued.

No. of lot.	Name of claim.	Deputy.	Date of certificate of deposit.	No. of certificate of deposit.	Amount of deposit.
<i>Rush Valley district</i>					
*52	Quandary No. 2	W. Bredemeyer	Aug. 21, 1879	418	†\$25
53	Quandary lode	do	Feb. 10, 1879	6	†\$25
54	Katharine	A. Jessen	Feb. 10, 1879	5	†\$25
55	Mervin	do	Feb. 24, 1879	10	†\$25
<i>Iron Spring district.</i>					
38	Desert Mound	A. J. Stewart, jr.	Apr. 12, 1879	72	†25
<i>Blue Ledge district.</i>					
*47	Silver Hill	E. B. Wilder	Aug. 21, 1879	419	†\$35
*48	Indian Queen	do	Aug. 21, 1879	420	†\$30
*49	McHenry No. 2	J. Gorlinski	Aug. 21, 1879	421	†25
*50	Kate Walker	do	Aug. 21, 1879	422	†25
*51	Joe Walker	do	Aug. 21, 1879	423	†25
52	Ida Bell	do	Feb. 19, 1879	8	†25
53	Wilson and Barrett	F. Eastman	Feb. 28, 1879	17	†25
54	do	do	May 2, 1879	151	†15
54	Free Silver	J. Gorlinski	June 11, 1879	190	†25
55	Ontario No. 2	do	June 11, 1879	191	†25
56	Ontario Bonanza	do	June 11, 1879	192	†25
57	Pocatello	do	June 12, 1879	194	†25
58	Walker	do	June 12, 1879	195	†25
59	Wasatch	do	June 12, 1879	197	†25
60	Sampson	do	June 12, 1879	196	†25
*61	May	do	Aug. 21, 1879	432	†25
62	Mohawk	do	June 16, 1879	199	†25
<i>Bradshaw district.</i>					
37	Cave, resurvey	R. H. Browne	Dec. 30, 1878	6227	†25

Aggregate amount deposited to August 21, 1879, \$3,185.

* Deposits made since June 30, 1879.

† Deposits made in First National Bank, Denver, Colo.

‡ Deposits made in Deseret National Bank, Salt Lake City.

§ Not returned June 30, 1879.

FRD. SALOMON,
Surveyor General for Utah.

K.—*The United States in account with appropriation for incidentals in surveyor general's office for Utah, for the fiscal year ending June 30, 1879.*

DR.			CR.		
1878.			1878.		
Oct. 9	To incidentals, as per vouchers		July 1	By appropriation.....	\$1,500 00
	1 to 14.....	\$154 56			
Oct. 9	To C. Bird, messenger.....	30 00			
Oct. 9	To N. Groesbeck, rent.....	120 00			
1879.					
Jan. 14	To incidentals, as per vouchers				
	1 to 12.....	185 05			
Jan. 14	To C. Bird, messenger.....	30 00			
Jan. 14	To N. Groesbeck, rent.....	120 00			
Jan. 14	To D. McClelland, blanks.....	20 00			
Apr. 3	To incidentals, as per vouchers				
	1 to 8.....	198 28			
Apr. 3	To W. Dell, messenger.....	30 00			
Mar. 31	To N. Groesbeck, rent.....	120 00			
June 30	To incidentals, as per vouchers				
	1 to 9.....	215 95			
June 30	To N. Groesbeck, rent.....	120 00			
June 30	To William Dell, messenger.....	30 00			
June 30	To balance.....	126 16			
		1,500 00			1,500 00

FRD. SALOMON,
Surveyor General for Utah.

L.—*The United States in account with salary of surveyor general and clerks in his office, for the fiscal year ending June 30, 1879.*

DR.			CR.		
1878.			1878.		
Oct. 1	To Frd. Salomon, surveyor general.....	\$687 50	July 1	By appropriation for salary of surveyor general.....	\$2,750 00
Oct. 1	To C. H. Cranwell, chief clerk..	450 00	July 1	By appropriation for salary of clerks.....	3,000 00
Oct. 1	To J. H. Campe, chief draughtsman.....	252 80			
1879.					
Jan. 3	To Frd. Salomon, surveyor general.....	687 50			
Jan. 3	To C. H. Cranwell, chief clerk..	450 00			
Jan. 3	To J. H. Campe, chief draughtsman.....	375 00			
Apr. 1	To Frd. Salomon, surveyor general.....	687 50			
Apr. 1	To C. H. Cranwell, chief clerk..	450 00			
Apr. 1	To J. H. Campe, chief draughtsman.....	375 00			
June 30	To Frd. Salomon, surveyor general.....	687 50			
June 30	To C. H. Cranwell, chief clerk..	450 00			
June 30	To John H. Campe, chief draughtsman.....	193 65			
June 30	To balance.....	3 55			
		5,750 00			5,750 00

FRD. SALOMON,
Surveyor General for Utah.

M.—The United States in account with the surveyor general's office for Utah for special deposits for office work in mineral and agricultural surveys.

DR.

CR.

1877.			1876.		
Jan. 2	To G. V. M. Boutelle, assistant draughtsman.	\$110 00	Sept. 30	By balance as per Commissioners letter E, of June 15, 1877.	\$3,500 57
Jan. 2	To John H. Campe, draughtsman.	100 00	Oct. 31	By certificates transmitted.	270 00
Jan. 2	To W. I. Bowen, assistant draughtsman.	108 00	Dec. 29	do	600 00
Jan. 2	To John Kimball, clerk.	237 50	Dec. 30	do	25 00
Jan. 2	To C. H. Cranwell, clerk.	44 00	1877.		
Mar. 31	do	216 66	Jan. 27	do	50 00
Mar. 31	To W. I. Bowen, assistant draughtsman.	262 50	Mar. 22	do	545 00
Mar. 31	To G. M. Roberts, clerk.	84 00	Mar. 22	do	25 00
Mar. 31	To H. Fitzhugh, clerk.	68 00	Mar. 28	do	30 00
June 30	To W. I. Bowen, assistant draughtsman.	262 50	Mar. 29	do	30 00
June 30	To G. M. Roberts, clerk.	108 19	Mar. 17	do	25 00
June 30	To J. H. Martineau, assistant draughtsman.	232 00	June 11	do	431 00
June 30	To H. Fitzhugh, clerk.	116 00	June 20	do	100 00
June 30	To C. Dahlgreen, assistant draughtsman.	96 00	Aug. 27	do	409 55
June 30	To J. A. Mitchell, clerk.	96 00	Sept. 28	do	615 00
Oct. 1	To W. I. Bowen, assistant draughtsman.	297 00	Dec. 1	do	820 00
Oct. 1	To G. M. Roberts, clerk.	264 00	1878.		
Oct. 1	To J. A. Mitchell, clerk.	168 00	Jan. 3	do	50 00
Oct. 1	To C. Dahlgreen, assistant draughtsman.	160 00	Feb. 18	do	675 00
1878.			Feb. 21	do	535 00
Jan. 3	To J. H. Campe, draughtsman.	126 40	Mar. 8	do	210 00
Jan. 3	To W. I. Bowen, assistant draughtsman.	355 50	July 1	do	520 00
Jan. 3	To A. Jessen, assistant draughtsman.	312 00	July 8	do	55 00
Jan. 3	To J. H. Kimball, clerk.	231 00	Aug. 17	do	60 00
Mar. 21	do	143 50	Dec. 19	do	50 00
Apr. 1	To W. I. Bowen, assistant draughtsman.	346 50	1879.		
Apr. 1	To A. Jessen, assistant draughtsman.	308 00	Jan. 2	do	335 00
Apr. 1	To W. A. Gorlinski, clerk.	140 00	Mar. 31	do	225 00
Apr. 1	To J. H. Campe, draughtsman.	116 60	July 2	By certificates transmitted, including certificate of deposit No. 210.	1,360 00
Apr. 1	To E. W. Thayer, (deposit returned).	10 00			
June 29	To W. I. Bowen, assistant draughtsman.	351 00			
June 29	To W. A. Gorlinski, clerk.	312 00			
June 29	To E. H. Hesse, assistant draughtsman.	256 00			
June 29	To E. Buettner, clerk.	120 00			
June 29	To A. Jessen, clerk.	52 00			
Oct. 1	To E. H. Hesse, assistant draughtsman.	355 50			
Oct. 1	To W. A. Gorlinski, clerk.	316 00			
Oct. 1	To J. H. Campe, chief draughtsman.	122 20			
Oct. 14	To C. W. Bennett, (deposit returned).	50 00			
Oct. 14	To C. H. Cranwell, (establishing mineral monument).	18 50			
Oct. 1	To E. Buettner, clerk.	312 00			
1879.					
Jan. 3	To E. H. Hesse, draughtsman.	355 50			
Jan. 3	To W. A. Gorlinski, clerk.	316 00			
Apr. 1	To E. H. Hesse, draughtsman.	346 50			
Apr. 1	To W. A. Gorlinski, clerk.	308 00			
Apr. 1	To O. Salomon, clerk.	220 00			
Apr. 1	To E. Buettner, clerk.	192 00			
June 30	To J. H. Campe, chief draughtsman.	181 35			
June 30	To E. H. Hesse, mineral draughtsman.	351 00			
June 30	To Otto Salomon, clerk.	244 00			
June 30	To W. A. Gorlinski, clerk.	312 00			
June 30	To balance.	1 584 72			
		11,996 12			11,996 12

N.—*Estimate of appropriation required for the surveying service in the Territory of Utah for the fiscal year ending June 30, 1881.*

For salary of surveyor general	\$3,000 00
For salary of clerks	5,000 00
For rent, janitor, and incidentals ..	2,500 00
For continuing the lines of public survey	15,000 00
For connecting mineral monuments	5,000 00
Total	30,500 00

ARREARS.

For preparation of maps and field notes of 35 mining districts, showing the relative position of each claim

\$2,000 00

FRD. SALOMON,
Surveyor General for Utah.

O.—*The United States in account with public surveys in Utah for the fiscal year ending June 30, 1879.*

DR.			CR.		
1879.			1878.		
Jan. 20	To A. D. Ferron, contract No. 86, August 15, 1878	\$1,165 73	July 1	By appropriation	\$10,000 00
Mar. 12	To F. Dickert, contract No. 87, August 17, 1878	2,503 89			
24	To A. D. Ferron, contract No. 86, August 15, 1878	3,517 66			
Apr. 18	To F. Dickert, contract No. 87, August 17, 1878	1,830 53			
29	To A. D. Ferron, contract No. 86, August 15, 1878	316 61			
June 23	To F. Dickert, amount allowed on readjustment of account as per commissioner's letter "E," June 23, 1879	166 99			
30	To balance (returned to Treasury)	498 59			
		10,000 00			10,000 00
1878.			1878.		
Sept. 5	To J. H. Martinean, contract No. 80, August 30, 1878	1,411 54	July 1	By balance remaining under contract from last fiscal year ..	6,988 25
1879.					
Feb. 24	To J. H. Martinean, contract No. 80, August 30, 1877	3,538 06			
Jan. 6	do	1,885 42			
June 30	To balance (returned to Treasury)	153 23			
	Total	16,988 25			16,988 25

FRD. SALOMON,
Surveyor General for Utah.

P.—The United States in account with special deposits for survey of public lands for the fiscal year ending June 30, 1879.

DR.			CR.		
1878.			1873.		
Nov. 26	To N. E. Britt, contract No. 84, July 26, 1878.	\$197 98	Feb. 12	By T. Hindermarsh, certificate of deposit No. 184.	\$45 00
Dec. 19	To Adolph Jessen, contract No. 88, September 17, 1878.	70 93	1878.		
1879.			July 5	By W. Boatright, certificate of deposit No. 5813.	200 00
Jan. 7	To C. W. Hardy, contract No. 89, September 27, 1878.	111 11	Aug. 12	By L. Jones, certificate of deposit No. 5928.	40 00
Mar. 5	To Joseph Gorlinski, contract No. 85, August 14, 1878.	441 50	12	By Eli. B. K. Ferguson, certificate of deposit No. 5929.	25 00
11	To E. Buettner, contract No. 90, January 11, 1879.	36 00	12	By William Ferguson, certificate of deposit No. 5930.	25 00
19	To O. A. Palmer, contract No. 83, June 27, 1878.	10 00	12	By B. Argyle, certificate of deposit No. 5931.	20 00
June 30	To T. Hindermarsh, excess over cost of survey.	9 00	12	By G. Chambers, certificate of deposit No. 5932.	15 00
30	To G. W. Blodgett, excess over cost of survey.	07	12	By J. E. Beck, certificate of deposit No. 5933.	15 00
30	To Binas Dixon, Peter Olsen, E. Laird, R. Winnill, and W. B. Hardy, excess over cost of survey.	68 89	12	By T. N. King, certificate of deposit No. 5934.	40 00
30	To Brigham Stowell, excess over cost of survey.	20 00	12	By C. Measerm, certificate of deposit No. 5935.	10 00
30	To balance now under contract No. 91.	2,027 02	12	By J. M. Bellows, certificate of deposit No. 5936.	10 00
			12	By W. F. Carter, certificate of deposit No. 5937.	10 00
			12	By Z. West, certificate of deposit No. 5938.	10 00
			12	By J. Hone, certificate of deposit No. 5939.	15 00
			12	By J. Chambers, certificate of deposit No. 5940.	5 00
			12	By K. T. Buttler, certificate of deposit No. 5941.	10 00
			12	By W. Ashby, certificate of deposit No. 5942.	25 00
			12	By W. Creer, certificate of deposit No. 5943.	25 00
			12	By T. Bates, certificate of deposit No. 5944.	40 00
			Sept. 21	By Brigham Stowell, certificate of deposit No. 6023.	30 00
			21	By G. W. Blodgett, certificate of deposit No. 6025.	34 00
			Dec. 16	By G. W. Blodgett, certificate of deposit No. 6194.	37 00
			30	By Binas Dixon, certificate of deposit No. 6228.	60 00
			30	By Peter Olsen, certificate of deposit No. 6229.	20 00
			30	By Edward Laird, certificate of deposit No. 6232.	30 00
			30	By Richard Winnill, certificate of deposit No. 6231.	40 00
			30	By W. B. Hardy, certificate of deposit No. 6230.	30 00
			Mar. 1	By T. N. King, certificate of deposit No. 18.	50 00
			1	By T. Bates, certificate of deposit No. 19.	41 50
			1	By G. Chambers, certificate of deposit No. 20.	10 00
			26	By Jefferson Huff, certificate of deposit No. 34.	25 00
			28	By Julius Christensen, certificate of deposit No. 37.	200 00
			28	By Theodore Christensen, certificate of deposit No. 38.	200 00
			28	By Isaac N. Parker, certificate of deposit No. 39.	200 00
			28	By James R. Allred, certificate of deposit No. 40.	1,400 00
		2,992 50			2,992 50

Q.—Statement of office work, executed on mining surveys, in the surveyor general's office in Utah Territory.

Number of mineral surveys made and returned to this office during the fiscal year ending June 30, 1879	119
Number of mineral maps made during the fiscal year	380
Number of amended maps made during the fiscal year	10
Number of mineral maps made to date	450
Number of surveys made by mineral deputies up to date, and since last report...	155
Number of surveys in office not completed	36

CONNECTED MINERAL DISTRICT MAPS.

Harrisburg district	2
Rush Valley district	2
Blue Ledge district	2
Utah district	2
West Mountain district (gold belt)	1
Total number of maps made to September 1, 1879	459

FRD. SALOMON,
Surveyor General for Utah.

R.—Statement of work executed under the regular appropriation for public surveys in the surveyor general's office of Utah for the fiscal year ending June 30, 1879.

Description.	Surveyor general's office.	General Land Office.	District land office.	Total.
Plats showing exterior lines	59	59	13	131
Plats showing subdivision lines	29	29	17	75
Plats showing exterior and subdivision lines	45	46	31	122
Map of Salt Lake City corporate limits	1	1		2
Map of Utah Territory showing arable and timber lands	1	1		2
Plats for the Department of the Platte in relation to Fort Cameron				2
Total	135	136	61	334
Examination of original field-note books	131			131
Transcripts of original field notes		131		131
Descriptive lists			106	106
Total	131	131	106	368

FRD. SALOMON,
Surveyor General for Utah

S.—Statement of work executed under special deposits for public surveys in the surveyor general's office of Utah for the fiscal year ending June 30, 1879.

Description.	Surveyor general's office.	General Land Office.	District land office.	Total.
Plats showing exterior lines	1	1	1	3
Plats showing subdivision lines	3	3	3	9
Plats showing exterior and subdivision lines	5	5	5	15
Total	9	9	9	27
Examination of original field-note books	12			12
Transcripts of original field notes		12		12
Descriptive lists			16	16
Total	12	12	16	40

FRD. SALOMON,
Surveyor General for Utah.

O.—*Report of the surveyor general of Washington Territory.*

SURVEYOR GENERAL'S OFFICE,
Washington Territory, Olympia, August 15, 1879.

SIR: I have the honor to transmit herewith, in duplicate, a report of the survey of public lands in this district for the year ending June 30, 1879.

Accompanying and forming a part of this report are the following tabular statements, viz:

A.—Statement showing the condition of contracts not closed at the date of the last annual report.

B.—Statement of contracts let for the survey of public lands in this Territory, the number of miles and acres in each township, the number of plats made, and the amount paid on contracts for the fiscal year ending June 30, 1879.

C.—Statement of special deposits for the survey of public lands in Washington Territory for the fiscal year ending June 30, 1879.

D.—Statement of appropriation for incidental expenses of this office for the fiscal year ending June 30, 1879.

E.—Statement of appropriation for salary of surveyor general and clerks in his office for the fiscal year ending June 30, 1879.

F.—Estimated amount required for the surveying service in Washington Territory for the fiscal year ending June 30, 1881.

I also transmit herewith the annual map, showing the progress of surveys in this Territory up to this date, and the changes in the several county boundary-lines, and also boundary of the lately designated Indian Reservation for the use of Chief Moses and his people.

GENERAL GROWTH AND PROSPERITY.

During the past year the growth and prosperity of this Territory has been all that its most sanguine friends could desire. While some of the leading commercial interests of Puget Sound—principally lumber—have not manifested the usual activity of former years, owing to a depression in the California market, yet nearly all other industries have been active and prosperous, and but little complaint has been heard especially amongst the agricultural classes, who have generally realized liberal prices for their leading products. The grain-growing interests of Eastern Washington have increased within the last year at least 33 per cent., and the many substantial improvements to be seen in almost every direction give promise of permanent wealth and prosperity.

NO DESERT LAND IN THIS TERRITORY.

For several years I have carefully noted all experimental farming on the sage brush-lands of Eastern Washington, which until within the last few years was generally considered worthless without irrigation, except for grazing purposes, and from careful personal observation, I now feel warranted in making the assertion *that there is no desert land in this Territory*, such as would come within the meaning of the second section of the desert-land act, approved March 3, 1877. There are certain limited rocky localities, which cannot be generally cultivated, but the driest sage-brush land, if sown in the fall, so as to receive the fall and early spring rains, will produce a greater yield of wheat per acre than any other country within my knowledge. During October last I visited many portions of the Yakima Valley and its tributaries, and found that the greatest yield of wheat was grown on sage-brush land without irrigation. People after crossing the sage-brush plains of Wyoming, Utah, and Nevada, will be considerably surprised to see land in Eastern Washington, of almost the same general appearance, producing, without irrigation, from 40 to 60 bushels of wheat per acre: but, were it necessary, I could cite many instances as proof in support of this assertion. My limited space will only allow the mention of one or two localities in this report.

The Atahman Valley, a few miles above Yakima City, is, or rather was, generally sage-brush land, and produces all the cereals abundantly without irrigation. The Kittitas Valley—a portion of the Upper Yakima—and one of the most beautiful counties I have yet seen on this coast, and of considerable extent, is principally covered with sage-brush of a dense growth. Last year Mr. I. D. Olmstead, the present postmaster of Kittitas, plowed up 160 acres of this sage brush and sowed it with wheat in September. I saw this beautiful field in October last, and now Mr. Olmstead writes me under date of August 4, 1879, "that after passing through one of the most severe winters that he has ever witnessed in that country, his 160 acres of wheat came through pretty badly winter killed, but it brightened up in the spring, and is now ready for the harvester, and will yield 40 bushels per acre, and this, too, without irrigation." The same experiments have produced the same results west and northwest of Walla Walla, and in fact, wherever fall sowing has been tried in Eastern Washington.

The "bunch grass" land can be sown in the spring with successful results, but the sage-brush land will, in my opinion, produce the greatest yield, and prove the most

durable. And as cultivation increases moisture will correspondingly increase. I have passed over a considerable extent of country north of Snake River, last June, and found the crops even more promising on the hills than in the valleys, and the extensive cultivation of the higher lands in Columbia and Walla Walla Counties, this year, proves this to be true.

BOUNDARIES OF INDIAN RESERVATIONS.

The boundaries of all Indian reservations, when they are not clearly defined by natural water-courses, should be surveyed and plainly marked. The immediate necessity of this is especially manifested along the eastern and southern boundaries of the Yakima Indian reservation in this Territory, where the adjoining lands are now being sought after by white settlers, and the timber along the south boundary on the Simcoe Mountains is required for their improvements. Fractional townships 7 and 8 north, range 22 east, and also fractional township 7 north, ranges 14, 15, 16, 17, 18, 19, 20, and 21 east, cannot be surveyed until this boundary line is established. I find no evidence in this office of any survey of this line, nor any field notes of such survey. Under date of February 4, 1862, I find a letter addressed to Hon. W. P. Dole, then Commissioner of Indian Affairs, by Anson G. Henry, surveyor general, calling his attention to the non-payment of a survey purporting to have been made by direction of W. W. Miller, then superintendent of Indian affairs for this Territory. This is the only evidence that this office furnishes that a survey was ever made, and all deputy surveyors who have examined this boundary report that they are unable to find any line to close their work on.

TOWNSHIP MAPS.

The records of this office show that no encouragement has ever been given by the General Land Office for the making of complete topographical township maps, while there are letters on file positively disapproving of such work. Where the maps are used, as in the district land offices, for marking the entries or claims thereon, thereby utilizing them as a part of the office record, the less topography they show the better. But when the maps are not so used, as I understand is the case in the General Land Office, I can see no good reason why they should not show all the topographical features of the country they represent. Even if one copy should be required for marking the entries thereon, another copy could be made, and forwarded at the same or some future time, showing the full topography, connecting the hills and mountains found within the township, with the altitudes of the highest marked on each. The altitude can be easily ascertained by requiring the deputy surveyor to provide himself with a pocket barometer, noting its readings at the base and summit of each prominent hill, and not trust to the various estimates of different parties, as contemplated in the manual of surveying instructions, page 18, paragraph 5. The adoption of this practice would unite more thoroughly the information contained in the field-notes with the maps, and thus render the latter more valuable as a source of information.

CLASSIFICATION OF THE PUBLIC LANDS.

Much stress has lately been put upon the importance of a classification of the public land, by those who have seen fit to denounce the present system of land surveys. The system itself has been condemned by them, while in fact the only fault lies in its imperfect administration. No reliable classification of the public land, *nor of any other lands*, can be made without a thorough personal examination by some one qualified for that purpose; nor will any settler select a home for himself and family on the recommendation of another party—he must see it for himself. The extensive diversity of surface, quality of soil, and advantages of market are the important considerations of every settler, and all these conditions prevail to such an extent in this Territory that it would, in my opinion, be impossible to make a classification based upon any rule of generalities such as might apply to some of the Western States, or the sage-brush plains of the more arid districts.

The deputy surveyor is required in his field notes to give at the end of each and every mile the class and character of the land over which he runs his lines, as well as all intersections of other topographical objects of interest, as required by the manual of surveying instructions, on pages 18 and 19, which rule is strictly adhered to in this district. This description is given on each boundary of every section of 640 acres over which the surveys are extended; and should the public interests demand a more extended report, say of every 160 acres, all that is necessary to secure it is to have an examiner accompany the surveyor, and pass over the center of every quarter section at 20 chains from the section line, while the survey is being made, and embody his report in the field notes or general description of the township. This practice is frequently adopted by land-grant railroad companies, who send their examiner into the field with the deputy surveyor, and thus acquire a thorough knowledge of every 40-acre tract within the limits of their grant. The additional cost of such an examination would be too insignificant to deserve important notice.

THE RE-ESTABLISHMENT AND CORRECTION OF SECTION CORNERS.

The fact that no law has been passed by Congress since February 11, 1805, for the correction of section and quarter section corners, where their location differs materially from that given in the field notes, manifests a wonderful indifference towards an important interest to many settlers and land owners, out of which many perplexing and expensive lawsuits often originate.

The field notes of the deputy surveyor must necessarily be correct in all distances and directions given, or they will not be platted. An error in them of this nature is easily detected by the experienced draughtsman, while an error made in the field, in the location of a corner monument, cannot be so readily ascertained until the land is occupied by parties interested. Hence a law should be passed, or the present one so amended, that the distances and courses given, approved and returned by the surveyor general should be held and considered as the true line, and the corners should be required to conform in every particular to the field notes thus approved, which is the only permanent record of the survey.

A line marked through a timbered country, or a mound and pits on a prairie designating a section corner, are only useful to guide the settler in selecting his claim, and are at best but doubtful evidence for future reference. These lines and corners, although important to the immigrant in making his selection, are often destroyed or changed by interested or designing parties, or from other causes, and therefore should never be recognized as evidence of a true survey, only so far as they conform to the field notes approved by the surveyor general. As the law now is, should a corner be one tally long or short of its true location, according to the field notes, and consequently erroneously located by the deputy surveyor—if standing in its original location—it must remain, although A by this rule gets 180 acres while B has but 140, both paying the same price for their lands.

The injustice of such a law is too apparent to require further comment. I therefore sincerely hope that the present law may be so amended that the *field notes*, and not *the marks upon the ground*, may become the recognized tribunal for the settlement of all such disputes.

Very respectfully, your obedient servant,

W. McMICKEN,
Surveyor General, Washington Territory.

Hon. J. A. WILLIAMSON,
Commissioner of the General Land Office, Washington, D. C.

A.—Statement showing condition of contracts not closed at date of last annual report.

Contract.		Name of deputy.	Character and location of work.	Number of miles surveyed.					Acres.	Number of plats made.				Amount paid on contracts.		
Number.	Date.			Standard.	Township.	Section.	Meander.	Total.		Original.	General Land Of.	face.	Register.		Total.	
232*	1877. Aug. 1	Snow & Navarre.	North and south boundary and subdivisions township 15 north, range 22 east.	M. O. L.	M. O. L.	M. O. L.	M. O. L.	M. O. L.							\$807 81	
235*	Sept. 1	Truax & Briggs.	Subdivisions township 16 north, range 22 east.	11 78 25	59 79 72	60 53 14	60 53 14	22,772.88	1		1	1	3	}		
			Sixth standard parallel north, through ranges 44, 45, and 46 east.	12 33 00		60 53 14	12 33 00	24,313.34	1		1	1	3			}
			East and west boundary and subdivisions township 24 north, range 44 east.	12 57 39	62 04 10	62 06	74 61 49	22,701.83	1		1	1	3		}	
			North and east boundary subdivisions and meanders township 25 north, range 44 east.	11 78 56	59 72 18	14 66 45	86 57 19	22,914.67	1		1	1	3	}		
			North, east, west boundary and subdivisions township 20 north, range 44 east.	17 77 40	59 62 43		77 59 83	24,019.15	1		1	1	3			}
			East boundary subdivisions and meanders township 24 north, range 45 east.	6 24 70	61 11 53	62 06	68 18 29	20,598.45	1		1	1	3		}	
			North and east boundary subdivisions and meanders township 25 north, range 45 east.	11 79 50	55 58 31	28 42 35	96 20 16	3,837.60	1		1	1	3	}		
			East fractional south boundary (second standard) and subdivisions township 9 north, range 39 east.	40 00	5 79 60	5 00 42	11 40 02	18,093.53	1		1	1	3			}
			East fractional south boundary (second standard) and subdivisions township 9 north, range 40 east.	2 00 00	3 00 00	49 47 18	54 47 18	2,120.25	1		1	1	3		}	
			Subdivisions township 24 north, range 46 east.			3 56 69	3 56 69	1,115.57	1		1	1	3	}		
			Subdivisions and meanders township 13 north, range 44 east.			4 50 88	3 44 50	21,684.20	1		1	2	4			}
			Subdivisions and meanders township 13 north, range 38 east.			55 48 75	13 20 06	21,797.32	1		1	2	4		}	
			Subdivisions and meanders township 13 north, range 39 east.			57 66 40	15 69 63		1		1	2	4	}		
			Total number of miles run.	14 73 00	81 75 40	595 51 73	76 65 05	769 25 18								4,757 48
			Total number of acres surveyed.						229,192.17						}	
			Total number of plats made.							14	14	15	43	}		
			Total amount paid on contracts.													
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* Completed.

† Special instructions.

Exhibit No. 1.

Balance of the appropriation for the fiscal year ending June 30, 1878. \$5, 111 83
Amount paid on contracts as above. 4, 757 48

Balance unexpended. 354 35

B.—Statement of contracts let for the survey of public lands in Washington Territory, the on contracts, for the fiscal

Contract.		Name of deputy.	Character and location of work.	Number of miles surveyed.	
Number.	Date.			Standard.	Township.
240	1878. July 6	E. P. McCormack	Fractional east and west boundary and subdivisions fractional township 3 north, range 8 east.	M. C. L.	M. C. L. 5 00 00
	Aug. 16	Edwin Richardson	North boundary and subdivisions township 5 north, range 13 east.		5 40 00
			Subdivisions township 11 north, range 22 east.		
			Subdivisions township 12 north, range 22 east.		
			Subdivisions township 10 north, range 29 east		
			Subdivisions township 11 north, range 29 east.		
			Subdivisions township 12 north, range 29 east		
			South and west boundary and subdivisions township 16 north, range 29 east.		
			North and west boundary and subdivisions township 17 north, ranges 29 and 30 east.		
			North, east, west boundary and subdivisions township 18 north, range 29 east.		
241	Aug. 23	Truax & Briggs...	North, fractional east boundary and subdivisions townships 6 north, range 13 east.		6 03 50
			North boundary and subdivisions township 23 north, range 42 east.		6 11 00
			East boundary and subdivisions township 24 north, range 42 east.		6 30 95
			North boundary and subdivisions township 25 north, range 42 east.		
			Subdivisions township 24 north, range 43 east.		
			North and west boundary and subdivisions township 26 north, range 43 east.		
			East, west, south boundary and subdivisions township 7 north, range 45 east.		16 02 24
			South, east boundary and subdivisions township 8 north, range 46 east.		12 01 50
			Subdivisions township 10 north, range 44 east		
			North and west boundary, subdivisions and meanders township 11 north, range 33 east.		11 76 75
			West boundary, subdivisions and meanders township 12 north, range 33 east.		6 17 99
			North and west boundary and subdivisions township 11 north, range 34 east.		11 76 00
			West boundary, subdivisions and meanders township 12 north, range 34 east.		6 15 50
			West boundary and subdivisions township 12 north, range 35 east.		6 19 50
			West boundary and subdivisions township 12 north, range 36 east.		6 23 30
			Resurvey of part of third standard parallel north, subdivisions and meanders township 13 north, range 37 east.	2 70 00	
			Fractional east boundary, subdivisions and meanders township 7 north, range 46 east.		2 45 75
			Subdivisions and meanders township 9 north, range 46 east.		
242	Aug. 30	Lewis Van Vleet	North boundary, subdivisions and meanders fractional township 7 north, range 47 east.		1 03 50
			Subdivisions and meanders township 8 north, range 47 east.		
			Subdivisions and meanders township 9 north, range 47 east.		
			North and west boundary and subdivisions township 23 north, range 33 east.		12 01 47
			West boundary and subdivisions township 24 north, range 33 east.		6 17 62
			North and west boundary and subdivisions township 23 north, range 34 east.		11 77 80
			West boundary and subdivisions township 24 north, range 34 east.		6 20 80
			North and west boundary and subdivisions township 23 north, range 35 east.		11 79 80
			West boundary and subdivisions township 24 north, range 35 east.		6 26 15

number of miles and acres in each township, the number of plats made, and the amount paid year ending June 30, 1879.

Number of miles surveyed.			Acres.	Plats made.				Amount paid on contracts.	Remarks.
Section.	Meander.	Total.		Original.	General Land Office.	Register.	Total.		
M. C. L. 23 01 26	M. C. L.	M. C. L. 28 01 26	8, 330.60	1	1	1	3	.....	Completed; special deposit.
58 08 56	.....	63 48 56	22, 142.97	1	1	1	3	\$658 07	Completed.
60 07 26	.....	60 07 26	23, 105.09	1	1	1	3	360 54	Do.
60 40 65	.....	60 40 65	22, 742.18	1	1	1	3	363 05	Do.
60 07 68	.....	60 07 68	22, 795.44	1	1	1	3	360 58	Not surveyed; other townships substituted.
.....	.....	.....	.....	.....	.....	.....	.....	.....	Do.
.....	.....	.....	.....	.....	.....	.....	.....	.....	Survey completed.
.....	.....	.....	.....	.....	.....	.....	.....	.....	Not surveyed; other townships substituted.
.....	.....	.....	.....	.....	.....	.....	.....	.....	Do.
.....	.....	.....	.....	.....	.....	.....	.....	.....	Do.
51 58 42	.....	57 61 92	19, 618.86	1	1	1	3	601 91	Completed.
56 78 54	.....	63 09 54	23, 465.35	1	1	1	3	1, 311 30	Completed; (\$1,229.27, timberlands).
62 35 24	.....	68 66 19	24, 800.85	1	1	1	3	.....	Do.
.....	.....	.....	.....	.....	.....	.....	.....	.....	No returns; deputy in the field.
.....	.....	.....	.....	.....	.....	.....	.....	.....	Do.
.....	.....	.....	.....	.....	.....	.....	.....	.....	Do.
60 10 43	.....	76 12 67	22, 808.97	1	1	1	3	825 70	Completed; (\$274.85 timberlands).
60 11 12	.....	72 12 62	23, 074.00	1	1	1	3	444 97	Completed.
60 06 77	.....	60 06 77	22, 989.10	1	1	1	3	360 51	Do.
57 15 56	15 76 48	85 08 79	21, 657.35	1	1	1	3	.....	.....
60 39 75	3 62 65	70 40 59	23, 139.69	1	1	1	3	.....	.....
59 49 79	.....	71 45 79	22, 829.50	1	1	1	3	.....	.....
60 36 67	11 78 21	78 50 38	22, 589.55	1	1	1	3	2, 693 84	Do.
61 18 13	.....	67 37 63	23, 768.51	1	1	1	3	.....	.....
61 23 30	.....	67 46 60	23, 479.52	1	1	1	3	.....	.....
59 40 12	7 25 83	69 55 95	22, 217.12	1	1	1	3	429 70	Do.
49 58 53	1 63 50	54 07 78	17, 378.17	1	1	1	3	327 15	Do.
59 04 87	2 51 48	61 56 35	22, 169.65	1	1	1	3	370 23	Do.
2 60 50	4 15 50	7 79 50	1, 575.95	1	1	1	3	84 11	Do.
14 48 69	7 36 50	22 05 19	5, 865.20	1	1	1	3	132 39	Do.
1 60 50	4 05 50	5 66 00	1, 223.55	1	1	1	3	34 95	Do.
60 07 55	.....	72 09 02	23, 076.50	1	1	1	3	.....	.....
61 25 10	.....	67 42 72	23, 823.51	1	1	1	3	.....	.....
59 68 57	.....	71 66 37	22, 905.49	1	1	1	3	.....	.....
61 29 83	.....	67 50 63	23, 834.86	1	1	1	3	2, 988 79	Do.
60 01 53	.....	72 01 33	23, 051.52	1	1	1	3	.....	.....
61 70 36	.....	68 16 51	24, 084.80	1	1	1	3	.....	.....

B.—Statement of contracts let for the survey of

Contract.		Name of deputy.	Character and location of work.	Number of miles surveyed.	
Number.	Date.			Standard.	Township.
242	1878. Aug. 30	Lewis Van Vleet..	West boundary and subdivisions township 24 north, range 36 east.	M. C. L.	M. C. L.
243	Sept. 14	Dudley S. B. Henry	West boundary and subdivisions township 9 north, range 3 west.	.....	6 32 10
			North boundary and subdivisions township 9 north, range 4 west.	.....	5 78 75
244	Sept. 16	Ross P. Shoecraft..	Subdivisions township 30 north, range 6 west, and exteriors and subdivisions township 30 north, ranges 7 and 8 west.	.....	6 02 52
			Other surveys in the Quillyhuyte country, substituted for the unsurveyable portions of township 30 north, ranges 7 and 8 west.	.....	.....
245	Sept. 30	William Jameson..	Subdivisions township 24 north, range 1 west.	.....	.....
246	*Oct. 22	O. B. Iverson.....	North, south, east boundary, subdivisions and meanders township 31 north, range 6 east.	.....	.....
	*Oct. 25	Sewall Truax.....	Subdivisions and meanders township 12 north, range 44 east.	.....	.....
	Oct. 30	James T. Berry...	Subdivisions fractional township 9 north, range 2 west.	.....	.....
247	Dec. 7	Edwin Richardson	East boundary and subdivisions fractional township 3 north, range 9 east.	.....	.....
248	Dec. 16	Francis F. Loehr..	East boundary and subdivisions fractional township 6 north, range 38 east.	.....	.....
249	1879. Apr. 4	Sewall Truax.....	North boundary, subdivisions and meanders township 9 north, range 31 east.	.....	.....
			North and west boundary, subdivisions and meanders township 10 north, range 32 east.	.....	.....
			North, south, east boundary and subdivisions township 7 north, range 39 east.	.....	.....
			East boundary and subdivisions township 8 north, range 39 east.	.....	.....
			South and east boundary and subdivisions township 8 north, range 40 east.	.....	.....
			North boundary and subdivisions township 18 north, range 38 east.	.....	.....
251	June 28	Lewis Van Vleet..	Exteriors and subdivisions townships 17, 18, and 19 north, ranges 31, 32, and 33 east.	.....	.....
Totals.....				2 70 00	182 64 49
Totals brought forward from Statement A.....				14 73 00	81.75 46
Total number of miles run.....				17 63 00	264 59 89
Total number of acres surveyed.....				.....	.....
Number of township plate made.....				.....	.....
Number of miscellaneous township, donation plats, tracings, &c., made.....				.....	.....
Total number of plate and tracings made.....				.....	.....
Amount paid on contracts.....				.....	.....

* Special instructions.

public lands in Washington Territory, &c.—Continued.

Number of miles surveyed.			Acres.	Plats made.				Amount paid on contracts.	Remarks.
Section.	Meander.	Total.		Original.	General Land Office.	Register.	Total.		
M. C. L. 62 15 86	M. C. L. 68 47 96	M. C. L. 68 47 96	24,215.06	1	1	1	3	.....	Completed.
59 76 30	65 75 05	22,988.52	1	1	1	3	\$1,368.33	{ Completed; timber lands, 257.94 acres. Donation claims.
60 04 58	66 07 10	23,059.84	1	1	1	3		
.....		
.....	Incomplete.
.....	Do.
.....	Notes received being plat- ted and transcribed. No returns.
14 66 72	13 57 14	28 43 86	6,464.50	1	1	1	3	.....	Completed; special deposit.
7 01 80	7 01 80	3,862.44	1	1	1	3	70 22	Completed.
.....	Notes in office being plat- ted and transcribed. No returns.
.....	Do.
.....	Do.
.....	Not surveyed; township 18 north, range 38 east, sub- stituted.
.....	Notes in office being plat- ted and transcribed.
.....	Do.
.....	No returns.
.....	No returns; deputy in the field.
1,729 50 54	72 72 99	1,988 18 02	665,184.81	35	35	35	105	.....
595 51 73	76 65 05	769 25 18	229,192.17	14	14	15	43	.....
2,325 22 27	149 53 04	2,757 43 20	.....	.....	.....	.....	.....	.....
.....	804,326.98	.....	.....	.....	.....	.....
.....	49	49	50	148	.....
.....	40	.....
.....	49	49	50	188	.....
.....	13,786 34	

Exhibit No. 1.

Amount of the appropriation for the survey of the public lands for the fiscal year ending June 30, 1879	\$18,000 00
Amount of the appropriation for the survey of timbered lands for the fiscal year ending June 30, 1879	7,500 00
Amount paid on contracts as above	\$25,500 00
Balance applicable to unfinished contracts	13,786 34
	11,713 66

SURVEYOR GENERAL'S OFFICE,
Olympia, Wash., August 15, 1879.

W. McMICKEN,
Surveyor General of Washington Territory.

C.—Statement of special deposits for the survey of public lands in Washington Territory for the fiscal year ending June 30, 1879.

Date of deposit.	Name of depositor.	Amount deposited.		
		For field work.	For office work.	Total.
July 5, 1878	John H. Stone	\$216 66	\$25 00	.....
	H. S. Davis	216 67	25 00	.....
	R. L. Greives	216 67	25 00	\$725 00
Oct. 8, 1878	D. E. Kelley	200 00	.....	.....
	Benjamin McClanahan	16 00	50 00	266 00
	Total	866 00	125 00	991 00

Exhibit No. 1.

Contract.		Name of deputy.	Cost of survey.		Excess of deposit over cost of survey.	Total amount deposited.	Remarks.
Number.	Date.		Field work.	Office work.			
239 *	July 6, 1878	E. P. McCormack	\$300 16	\$75 00	\$349 84	\$725 00	Survey completed. Do.
	Oct. 25, 1878	Sewall Truax	171 29	50 00	44 71	266 00	
		Total	471 45	125 00	394 55	991 00	

* Special instructions.

SURVEYOR GENERAL'S OFFICE,
Olympia, Wash., August 15, 1879.

W. McMICKEN,
Surveyor General, Washington Territory.

D.—Statement of appropriation for incidental expenses of office of surveyor general of Washington Territory for the fiscal year ending June 30, 1879.

Date.	Accounts.	Amount.	Date.	Appropriation.	Amount.
1879. June 30	Amount of accounts forwarded for incidental expenses for fiscal year ending this date	\$1,500 00	1878. June 20	Amount of appropriation for the fiscal year ending June 30, 1879	\$1,500 00

SURVEYOR GENERAL'S OFFICE,
Olympia, Wash., August 15, 1879.

W. McMICKEN
Surveyor General, Washington Territory.

E.—Statement of the appropriation for salary of the surveyor general of Washington Territory and clerks in his office for the fiscal year ending June 30, 1879.

Date.	Account.	Amount.	Date.	Appropriation.	Amount.
1879. June 30	Amount paid surveyor general and clerks in his office for the fiscal year ending this date.....	\$6,500 00	1878. June 19	Appropriation for salary of surveyor general and clerks in his office, for the fiscal year ending June 30, 1879 ..	\$6,500 00
June 30	Amount paid special clerk from special deposit fund	75 00	1879. June 30	Unexpended balance of special deposits, per last annual report	62 88
	Unexpended balance special deposits.....	112 88		Special deposit for office work during the year ending June 30, 1879.....	125 00
	Total.....	6,687 88		Total.....	6,687 88

W. McMICKEN,
Surveyor General of Washington Territory.

SURVEYOR GENERAL'S OFFICE,
Olympia, Wash., August 15, 1879.

F.—Estimated amount required for the surveying service in Washington Territory for the fiscal year ending June 30, 1881.

FOR FIELD WORK.

For surveying 42 miles of standard lines, at \$16.....	\$672
For surveying 84 miles of standard lines, at \$12.....	1,008
For surveying 498 miles of township lines, at \$14.....	6,972
For surveying 656 miles of township lines, at \$10.....	6,560
For surveying 2,880 miles of section lines, at \$12.....	34,560
For surveying 5,300 miles of section lines, at \$8.....	42,400
	<u>\$92,172</u>

FOR OFFICE WORK.

For salary of surveyor general	2,500
For salary of chief clerk	1,600
For salary of chief draughtsman	1,500
For salary of assistant draughtsman.....	1,300
For salary of 3 copying clerks.....	3,600
For rent of office, fuel, lights, pay of messenger, and other incidental expenses	2,000
	<u>12,500</u>
	104,672

W. McMICKEN,
Surveyor General, Washington Territory.

SURVEYOR GENERAL'S OFFICE,
Olympia, Wash., August 15, 1879.

P.—Report of the surveyor general of Wyoming.

SURVEYOR GENERAL'S OFFICE.
Cheyenne, Wyo., August 5, 1879.

SIR: In compliance with your instructions of April 21, 1879, I have the honor to submit herewith, in duplicate, my annual report of the surveying operations in the Wyoming district, for the fiscal year ending June 30, 1879.

PUBLIC SURVEYS.

The eighth guide meridian west, from the south boundary of Fort Laramie military reservation, to the south boundary of township 30 north, ranges 64 and 65 west, has

been surveyed and established, the length of which, including connections, is 28 miles, 69 chains, and 70 links.

The sixth standard parallel north, from the eighth guide meridian west, to the east boundary of Wyoming, has been established, which, including connections, amounts to 28 miles, 8 chains, and 47 links.

The seventh standard parallel north, from the eighth guide meridian west, to the east boundary of Wyoming has also been established, which, including connections, amounts to 28 miles, 15 chains, and 54 links.

The south, east, and north boundaries of Fort Laramie military reservation, amounting to 19 miles, 68 chains, and 17 links, has been surveyed, in order to terminate and close contiguous lines thereon.

Exterior township lines of 44 different townships have been surveyed and established, the total length of which, including connections, is 371 miles, 1 chain, and 15 links.

Forty-one townships, three of which are made fractional by the east and south boundaries of Wyoming, have been subdivided into sections, and amount, in length of lines, including meanders and connections, to 2,396 miles, 79 chains, and 62 links, a tabular statement of which is given herewith.

The eastern and larger portion of these subdivisions embrace valuable agricultural and pastoral lands in the valleys of the North Platte River and its tributaries, are situated in the vicinity of Fort Laramie, and are being rapidly settled by stock-raisers.

The western surveys embrace large bodies of timber, coal, and other mineral lands, and though too elevated for any other than the most hardy agricultural productions, they contain many valleys of very fine pasturage and a good many settlements.

The total area of coal lands reported in this region of survey is 4,495½ acres; and there also returned 31,157.35 acres of mineral lands containing gold.

Four townships of subdivisions in the timbered lands of the Medicine Bow Mountains have been delayed by the deputy surveyor having been called away from that work to assist the United States timber agent, and likewise by the deep snows in the autumn of 1878. An extension of time for this survey having been applied for, was, for these reasons, conceded.

The area of the subdivisions of the fiscal year is 918,810.90 acres, and the total area surveyed in Wyoming Territory to June 30, 1879, is 8,844,984.27 acres.

MINERAL SURVEYS

Three gold mining claims have been surveyed in the Douglas Creek mining district, Carbon County, the value of improvements on which amount to \$39,500, and these surveys are connected by course and distance with the public surveys.

Another survey of a gold mining claim in the same region has, on application of the claimants, been ordered, but is not yet completed.

PROPOSED SURVEYS.

The accompanying annual estimates for the extension of the public surveys in Wyoming during the fiscal year ending June 30, 1881, are intended for the subdivision of townships in the valleys of the North Platte River and its confluent, from Fort Laramie to Fort Fetterman, which have settlements, and embrace good agricultural and hay lands easily irrigated; for the survey of standard and exterior lines, to include the settled valley of the North Platte River above and west of Fort Fetterman; for further surveys of timber and mineral lands in and west of the Medicine Bow Mountains, embracing the settled valleys of the Upper North Platte and its tributaries; and for additional surveys of agricultural and timbered lands in the valley of Bear River in the Evanston land district.

OFFICE WORK.

Of the recent surveys contracted for by this office, and payable out of the balance of the appropriation of March 3, 1877, of \$14,400, with that of June 20, 1877, of \$12,000, and the unexpended balance of special deposits for surveys made by the Union Pacific Railroad Company, of \$1,011, and by individuals, to the amount of \$360, the original field notes of the surveys of standard, exterior, and section lines, returned by the deputy surveyors were carefully examined, and approved upon their evidence of correctness.

The original diagrams and maps of these surveys have been constructed on the usual scale from the field notes, and placed on file; and a copy of each has been made, compared, and transmitted to the General Land Office.

Copies of all the maps of subdivisions have also been made, compared, and trans-

mitted to the proper local land offices; and a list of these registers' maps has been added to the schedule posted in this office.

The original field notes of all the aforesaid surveys have been transcribed, compared, prefaced with title pages and index diagrams, and, with the maps and surveyors' accounts, transmitted to the General Land Office.

The original field notes of the surveys of the Keystone, Blue Jay, and Home mining claims in Douglas Creek mining district, Carbon County, have been examined and approved; two plats and one transcript of each survey made for the applicants, one plat of each for the local land office, and the original plats and field notes filed in this office. These claims, situated in township 14 north, range 79 west, contain valuable gold mines now being worked.

Eighty-two lists, descriptive of the corners, soil, timber, &c., of forty-one townships of subdivisions, have been compiled from, and carefully compared with, the original field notes, certified, and transmitted to the proper local land offices, receipts for which are on file. The original field notes will be arranged in volumes, and bound during the summer.

It is not deemed necessary to state, in detail, the miscellaneous office work performed, though it consumes much of the time employed in the office.

There are no arrears of office work, but there will be unless a larger sum is appropriated for salaries of clerks. The labor performed has only been accomplished by working continually beyond office hours, each clerk doing nearly double work.

CONTRACTS OF 1877, 1878, AND 1879.

The contracts of 1877 are all completed, and, including those unfinished at the date of my last report, amount to \$14,437.83, paid out of the appropriation of March 3, 1877, of \$14,400, and leaves an unexpended balance of \$52.17, which reverts to the United States Treasury.

The contracts of 1878 are all completed except No. 98, and the amount paid out of the appropriation of June 20, 1878, of \$12,000 is \$9,481.06, which, including the estimated balance due on contract No. 98, of \$1,868.22, leaves an estimated balance unexpended of said appropriation, of \$290.72.

Out of the unexpended balance of special deposits for surveys made by the Union Pacific Railroad Company of \$1,011.01, the sum paid on contract No. 100 is \$720.54, which leaves a balance unexpended of said deposits of \$290.47.

The sum deposited by Kime and Reid for the subdivision of one township is \$360, all of which was paid on contract No. 101.

The four unfinished townships in contract No. 98 have been under survey since May 1, 1879, on an extension of time, and will be completed in July.

The surveys embraced in the standard and exterior lines to be run under the contracts of 1879 will give many townships worthy of subdivision besides those already contracted for.

STOCK RAISING.

In Wyoming, this business has become so important and lucrative, as to render grass lands more valuable than those only adapted to agriculture; and where the streams afford an adequate supply of water for irrigation, the valleys will be sought out by many of the settlers who have ample means to make the desired entries, and the necessary improvements, buildings, and fences for pasturage.

AVERAGE TEMPERATURE AT CHEYENNE.

Summer of 1878, mean 65°.37; rainfall, 1.88 inches.

Autumn of 1878, mean 42°.38; rainfall, 0.33 inches.

Winter of 1878-79, mean 25°.27; rainfall, 0.24 inches.

Spring of 1879, mean 46°.63; rainfall, 1.13 inches.

ACCOMPANYING TABLES.

A.—Statement showing the contracts entered into, and the condition of the public surveys under three appropriations, and for the fiscal year ending June 30, 1879.

B.—Statement showing the townships, ranges, areas, and amounts of surveys, for which duplicate maps and transcripts of the field notes have been transmitted to the General Land Office, triplicate maps and descriptive lists furnished the local land offices, and the original maps and field notes filed in this office.

C.—Statement showing the townships, ranges, areas of coal lands, and gold-bearing lands, surveyed in Wyoming Territory from June 30, 1878, to June 30, 1879, as shown on the original maps on file in this office.

D.—Statement showing the description and number of township maps and descriptive lists furnished to the local land offices during the fiscal year ending June 30, 1879, numbering north of the base line and west of the sixth principal meridian.

E.—Statement of amounts deposited by individuals for office work on mining claims and subdivisions, and by the Union Pacific Railroad Company, for cost of survey and office work on lands inuring to said company, showing the balances unexpended and available for the surveying service in Wyoming Territory.

F.—Statement showing the amount paid to the surveyor general and the clerks in his office during the fiscal year ending June 30, 1879.

G.—Statement of amounts paid for rent of office, fuel, &c., during the fiscal year ending June 30, 1879.

H.—Estimate of the appropriation required for the extension of the public surveys in Wyoming Territory during the fiscal year ending June 30, 1881.

I.—Statement showing the names, duties, nativity, whence appointed, residence, date of appointment, and rate of compensation per annum of persons employed in the surveyor general's office of Wyoming Territory at the close of the fiscal year ending June 30, 1879.

All of which is respectfully submitted.

EDW. C. DAVID,
Surveyor General.

Hon. J. A. WILLIAMSON,
Commissioner General Land Office, Washington City, D. C.

A.—Statement showing the contracts entered into and the condition of the public surveys under three appropriations for the fiscal year ending June 30, 1879.

No. of contract.	Date.	Name of contractors or deputy surveyors.	Character, number of townships, and ranges of surveys north of base line and west of sixth principal meridian.	Sums paid for surveys.	Condition of field and office work.
94	1877. Aug. 23	William O. Downey...	Standard, exterior, and section lines given in last report.	\$5,176 51	Completed.
95	1878. Aug. 24	L. M. Lampton	Exterior and section lines as given in last report.	3,860 66	Completed.
96	1878. Apr. 23	William B. Yerby	Standard, exterior, and section lines given in last report.	5,310 66	Completed.
97	July 22	L. M. Lampton	Subdivisions of township 17, range 82; township 18, ranges 81 and 82; township 19, ranges 79, 80, 81, and 82; and township 20, range 82.	3,797 13	Completed.
98	Aug. 8	William O. Downey...	Subdivisions of township 16, range 78, and townships 12, 13, 14, and 15, range 79.	581 78	Unfinished.
99	Aug. 15	William B. Yerby	Eighth guide meridian in township 29, ranges 64 and 65; east and north boundaries of township 29, ranges 61, 62, 63, and 64; north boundary of township 29, range 60; and subdivisions of township 23, ranges 62, 63, and 64; township 24, ranges 63 and 64; township 25, range 61; townships 26 and 27, range 62; and townships 28 and 29, ranges 62, 63, and 64.	5,462 15	Completed.
100	Oct. 19	L. M. Lampton	Subdivisions of township 18, range 83; and township 19, range 84 (out of special deposits by Union Pacific Railroad Company).	720 54	Completed.
101	Apr. 8 1879.	William Hardin	Subdivision of township 32, range 99 (special deposit).	360 00	Completed.
102	May 7	William B. Yerby	Eighth guide meridian in townships 30, 31, and 32, ranges 64 and 65; ninth guide meridian from sixth to eighth standard parallel; seventh and eighth standard parallels, from eighth to 9th guide meridian; and exteriors of township 25, ranges 71 and 72; township 26, ranges 69, 70, 71, and 72; and townships 27 to 32, inclusive, ranges 65 to 72, inclusive.	.....	Unfinished.

A.—Statement showing the contracts entered into, &c.—Continued.

No. of contract.	Date.	Name of contractors or deputy surveyors.	Character, number of townships, and ranges of surveys north of base line and west of sixth principal meridian.	Sums paid for surveys.	Condition of field and office work.
103	1879. May 12	William O. Downey ...	Third standard parallel in townships 12 and 13, ranges 81, 82, 83, and 84; exteriors of townships 12 to 16 inclusive, ranges 81 to 84 inclusive; and subdivisions of townships 15 and 16, ranges 82, 83, and 84.	.....	Unfinished.
104	May 22	Charles W. Brown	Eighth standard parallel from eighth guide meridian to east boundary of Wyoming; exteriors of townships 30, 31, and 32, ranges 60, 61, 62, 63, and 64; and subdivisions of township 31, range 61; and township 32, ranges 62, 63, and 64.	.....	Unfinished.
Appropriation of March 3, 1877					\$14,400 00
Amount paid on contracts out of said appropriation				\$14,347 83	
Balance unexpended and reverting to the United States Treasury				52 17	
Totals				14,400 00	14 400 00
Appropriation of June 20, 1878					12,000 00
Amount paid on contracts out of said appropriation				9,841 06	
Estimated balance due on contract No. 98				1,868 22	
Estimated balance unexpended of said appropriation				290 72	
Totals				12,000 00	12,000 00
Unexpended balance of special deposits for surveys made by the Union Pacific Railroad Company					1,011 01
Amount paid on contract No. 100 out of said balance				720 54	
Balance unexpended of said special deposits				290 47	
Totals				1,011 01	1,011 01
Special deposit by Kime & Reed for subdivisions					360 00
Amount paid on contract No. 101 out of said deposit				360 00	
Totals				360 00	360 00

SURVEYOR GENERAL'S OFFICE,
Cheyenne, Wyo., August 5, 1879.

EDW. C. DAVID,
Surveyor General.

B.—Statement showing the townships, ranges, areas, and amounts of surveys for which duplicate maps and transcripts of the field-notes have been transmitted to the General Land Office, triplicate maps and descriptive lists furnished to the local land offices, and the original maps and field notes filed in this office.

Number of townships.	Township north.	Range west.	Area, acres.	Subdivisions, meanders, and connections.		
				Miles.	Chaiaps.	Links.
1*	23	60	15,302.98	38	31	47
2*	24	60	15,110.89	38	36	18
3	23	61	23,099.45	60	6	68
4	24	61	22,739.64	59	48	70
5	25	61	23,029.40	60	-----	64
6	23	62	22,805.99	59	56	43
7	24	62	22,558.24	59	63	41
8	25	62	22,951.59	59	72	35
9	26	62	22,927.58	59	68	45
10	27	62	22,959.57	59	72	33
11	28	62	22,937.50	60	1	49
12	29	62	23,039.26	60	-----	85
13	23	63	22,930.53	59	71	77
14	24	63	22,848.33	59	60	95
15	25	63	23,004.85	59	76	64
16	26	63	23,028.08	60	3	78
17	28	63	22,950.96	60	3	80
18	29	63	23,072.66	60	5	96
19	23	64	23,067.47	60	3	02
20	24	64	22,967.85	59	74	36
21	28	64	23,077.79	60	1	24
22	29	64	23,091.72	60	10	05
23	13	77	23,958.64	61	16	72
24	14	77	23,937.58	61	15	52
25	15	77	23,934.94	61	77	35
26*	12	78	12,783.00	34	60	32
27	14	78	22,890.14	61	33	26
28	15	78	22,890.12	59	59	84
29	17	78	23,097.81	60	11	44
30	14	79	22,953.41	59	69	49
31	19	79	22,691.43	59	37	36
32	19	80	23,083.78	60	9	98
33	18	81	22,916.95	59	60	17
34	19	81	23,124.00	60	11	09
35	17	82	23,115.23	60	7	38
36	18	82	23,240.07	60	30	72
37	19	82	23,214.03	60	33	94
38	20	82	22,439.79	59	64	60
39	18	83	23,048.98	60	4	24
40	19	84	22,979.63	60	2	94
41	32	99	23,081.54	60	62	71
Total			918,810.90	2,396	79	62

* Fractional.

RECAPITULATION.

	Townships.	Acres.
Total number of townships subdivided in 1878-'79, is	41	918,810.90
Total number of townships subdivided previously, is	381	7,926,173.37
Total number of townships subdivided to June 30, 1879, is	422	8,844,984.27

EDW. C. DAVID,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Cheyenne, Wyo., August 5, 1879.

C.—Statement of the townships, ranges, and areas of coal and gold bearing lands surveyed in Wyoming Territory from June 30, 1878, to June 30, 1879, as shown on the original maps on file in this office.

Township.	Range.	Acres gold lands.	Acres coal lands.	
15 north	78 west	8, 197. 94 .....	.....	West of sixth principal meridian.
14 north	79 west	22, 953. 41 .....	.....	Do.
20 north	82 west .....	.....	4, 495. 20	Do.
Total .....	.....	31, 151. 35	4, 495. 20	

	Acres.
Total area of mineral lands containing gold, surveyed in 1878	31, 151. 35
Total area of coal lands surveyed in 1878	4, 495. 20
Total areas of coal lands surveyed previous to 1878	262, 824. 38

Aggregate of coal lands surveyed to date

267, 319. 58

EDW. C. DAVID,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Cheyenne, Wyo., August 5, 1879.

D.—Statement showing the description and number of township and mineral maps and descriptive lists furnished to the local land offices during the fiscal year ending June 30, 1879, numbering north of the base line and west of the sixth principal meridian.

Townships north.	Ranges west.	Maps.	Lists.	Register.
23 and 24	60	2	4	At Cheyenne, Wyo.
23, 24, and 25	61	3	6	Do.
23, 24, 25, 26, 27, 28, and 29	62	7	14	Do.
23, 24, 25, 26, 28, and 29	63	6	12	Do.
23, 24, 28, and 29	64	4	8	Do.
13, 14, and 15	77	3	6	Do.
12, 14, 15, and 17	78	4	8	Do.
14 and 19	79	2	4	Do.
19	80	1	2	Do.
18 and 19	81	2	4	Do.
17, 18, 19, and 20	82	4	8	Do.
18	83	1	2	Do.
19	84	1	2	Do.
Total sent January 24, April 10, May 26, 1879		40	80	Do.
Township 32 north, range 99 west		1	2	At Evanston, Wyo.

Also plats of mining claims numbered 37, 38, and 39, in Douglas Creek mining district, Carbon County, sent May 26, 1879, to register at Cheyenne, being 3 plats; and to claimants, 6 plats, and 3 transcripts of same.

Total number of maps and plats furnished, 50.

Total number of descriptive lists furnished, 82; of transcripts, 3.

EDW. C. DAVID,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Cheyenne, Wyo., August 5, 1879.

E.—Statement of amounts deposited by individuals for office work on mining claims, and for survey and office work on subdivisions; and by the Union Pacific Railroad Company, for cost of survey and office work on lands inuring to said company, showing the balances unexpended and available for the surveying service in Wyoming Territory.

Balance unexpended for office work to June 30, 1878.....	\$521 98	
Sum deposited by S. W. Downey for office work on four mining claims.....	150 06	
Sum deposited by Kime & Reid for office work on subdivisions.....	40 00	
Total amount available in 1879.....	711 98	
Total sum expended for office work to June 30, 1879.....	323 08	
Balance unexpended for office work to June 30, 1879.....	388 90	
Balance unexpended of deposits by the Union Pacific Railroad Company for survey of railroad lands to June 30, 1878.....	1,011 01	
Amount paid for survey of railroad lands to June 30, 1879.....	720 54	
Balance unexpended and available to June 30, 1879.....	290 47	
Amount deposited by Kime & Reid for subdivisions.....	360 00	
Amount paid for subdivision of one township out of said deposit.....	360 00	

EDW. C. DAVID,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Cheyenne, Wyo., August 5, 1879.

F.—Statement showing the amount paid to surveyor general and the clerks in his office during the fiscal year ending June 30, 1879.

1878.		
June 19.	By appropriation for compensation of surveyor general for fiscal year ending June 30, 1879.....	\$2,750 00
June 19.	By appropriation for salaries of clerks for fiscal year ending June 30, 1879.....	3,500 00
June 30.	By balance unexpended of special deposits for office work.....	521 98
1879.		
June 30.	By special deposits for office work to date.....	190 00
1878.		
Sept. 30.	To amount for first quarter ending September 30, 1878.	\$1,585 30
Dec. 31.	To amount for second quarter ending December 31, 1878.....	1,662 50
1879.		
March 31.	To amount for third quarter, ending March 31, 1879..	1,837 50
June 30.	To amount for fourth quarter, ending June 30, 1879.	1,487 50
June 30.	To balance unexpended of appropriation of June 19, 1878.....	28
June 30.	To balance unexpended of special deposits for office-work.....	388 90
Totals.....		6,961 98 6,961 98

EDW. C. DAVID,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Cheyenne, Wyo., August 5, 1879.

G.—Statement of amounts paid for rent of office, fuel, stationery, &c., during the fiscal year ending June 30, 1879.

1878.		
June 20.	By appropriation for rent, fuel, &c., for fiscal year.....	\$1,500 00
Sept. 30.	To amount for first quarter, ending September 30, 1878.	\$281 53
Dec. 31.	To amount for second quarter, ending December 31, 1878.	236 95
1879.		
March 31.	To amount for third quarter, ending March 31, 1879.....	324 13
June 30.	To amount for fourth quarter, ending June 30, 1879.....	334 56
June 30.	To balance reverting to United States Treasury.....	322 83
Totals.....		1,500 00 1,500 00

EDW. C. DAVID,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Cheyenne, Wyo., August 5, 1879.

H.—Estimate of appropriation required for the extension of the public surveys in Wyoming Territory during the fiscal year ending June 30, 1881.

For extending surveys of standard lines 200 miles, at \$10 per mile..	\$2,000	
For extending surveys of township lines 1,200 miles, at \$7 per mile..	8,400	
For subdividing 100 townships, 6,000 miles, at \$6 per mile.....	36,000	
		\$46,400
For salary of surveyor general.....	3,000	
For salary of chief clerk.....	1,800	
For salary of principal draughtsman.....	1,500	
For salary of assistant draughtsman.....	1,400	
For salaries of two transcribing clerks.....	2,800	
For rent, fuel, stationery, messenger, and incidental expenses.....	2,000	
		12,500
Total for field and office work.....		58,900

EDW. C. DAVID,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Cheyenne, Wyo., August 5, 1879.

I.—Statement showing the names, duties, nativity, whence appointed, residence, date of appointment, and rate of compensation per annum, of persons employed in the surveyor general's office of Wyoming Territory, at the close of the fiscal year ending June 30, 1879.

Name.	Duty.	Nativity.	Whence appointed.	Residence.	Date of appointment.	Salary.
Edward C. David ...	Surveyor general ...	N. Hamp..	Iowa.....	Wyoming.	Aug. 23, 1875	\$2,750
Alfred L. Brown ...	Chief clerk.....	Virginia..	Nebraska ..	do	Sept. 23, 1875	1,800
William W. Smith ...	Transcribing clerk..	Georgia...	Iowa.....	do	Sept. 23, 1875	1,400
Charles W. Brown ..	Messenger.....	Iowa.....	Wyoming..	do	Jan. 1, 1879	600

The principal and assistant draughtsmen and one transcribing clerk have been discontinued on account of the deficiency in the appropriation for their salaries.

EDW. C. DAVID,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Cheyenne, Wyo., August 5, 1879.

The temperature and rainfall, as obtained from Sergeant J. H. Smith, in charge of the United States signal office at Cheyenne, is as follows:

Date.	Thermometer.			Amount of rainfall in inches.
	Mean.	Maximum.	Minimum.	
1878.				
June.....	58.6	86	35	1.71
July.....	70.2	92	44	1.43
August.....	68.3	91	45	2.50
September.....	52.4	87	23	0.75
October.....	42.4	73	— 4	0.04
November.....	36.7	67	2	0.00
December.....	20	56	—12	0.19
1879.				
January.....	24.3	60	—15	0.32
February.....	31.5	59	— 6	0.20
March.....	39.3	77	8	0.44
April.....	44.3	72	22	1.66
May.....	56.3	86	30	1.30

EDW. C. DAVID,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Cheyenne, Wyo., August 5 1879.

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